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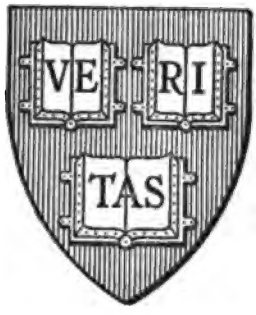

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THE

REVISED STATUTES

OF THE

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS:

TO WHICH ARE PREFIXED,

THE CONSTITUTIONS

OF THE

UNITED STATES AND OF THE STATE.

[PUBLISHED BY AUTHORITY OF THE GENERAL ASSEMBLY.]

PROVIDENCE:
SAYLES, MILLER AND SIMONS.
1857.

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Published by Authority of a Resolution of the General Assembly, passed January Session, 1857.

ADVERTISEMENT.

By authority of resolutions of the general assembly, His Excellency, Governor Hoppin, appointed Samuel Ames, Thomas A. Jenckes, Wingate Hayes, Benjamin T. Eames, and Henry Howard, commissioners "to revise the public laws of the State, to consolidate all those statutes which relate to the same subject, to digest the same under proper titles, chapters, and sections, and to report the same to the general assembly, with such proposed improvements, alterations, and additions as they might deem proper." Under this appointment, the commissioners, at the January session A. D. 1857, reported the public laws of the state as directed, which, after having been amended and enacted by the general assembly at the same session, were ordered to be published by a committee consisting of the commissioners, and the Hon. John R. Bartlett, secretary of state, "with a full and minute index to be made to said statutes, a suitable table of contents to accompany the same, and also proper notes to each chapter, of the contents of the several sections thereof."

The completed digest is now placed before the public, with the hope, that any slight errors in it, will find an apology in the extreme rapidity with which it was necessarily passed through the press, in order to meet the necessity consequent upon its taking effect on the first day of July, A. D. 1857.

For the committee,

SAMUEL AMES, Chairman.

June, 1857.

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OF

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WE, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this CONSTITUTION FOR THE UNITED STATES OF AMERICA.

ARTICLE I.

SECTION 1. All legislative powers herein granted shall be vested in a congress of the United States, which shall consist of a senate and house of representatives.

SEC. 2. The house of representatives shall be composed of members chosen every second year by the people of the several states; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a representative who shall not have attained to the age of twenty-five years and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative: and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three.

When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

The house of representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

SEC. 3. The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

The vice-president of the United States shall be president of the senate, but shall have no vote, unless they be equally divided.

The senate shall choose their other officers, and also a president pro tempore, in the absence of the vice-president, or when he shall exercise the office of president of the United States.

The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation.

When the president of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of impeachment shall not extend farther than to removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

SEC. 4. The times, places and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

The congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SEC. 5. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two thirds expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one fifth of those present, be entered on the journal.

Neither house, during the session of congress, shall without the consent of the other, adjourn for more than three days nor to any other place than that in which the two houses shall be sitting.

SEC. 6. The senators and representatives shall receive a compensation for their services, to be ascertained by law and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

SEC. 7. All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the house of representatives and the senate, shall, before it become a law, be presented to the president of the United States; if he approve, he shall sign it, but if not, he shall return it with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the congress by their adjournment, prevent its return, in which case it shall not be a law.

Every order, resolution or vote, to which the concurrence of the senate and house of representatives may be necessary (except on a question of adjournment) shall be presented to the president of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

SEC. 8. The congress shall have power: — To lay and collect taxes, duties, imposts and excises; to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States: — To borrow money on the credit of the United States: — To regulate commerce with foreign nations and among the several states, and with the Indian tribes: — To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States: — To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures: — To provide for the punishment of counterfeiting the securities and current coin of the United States: — To establish post-offices and post roads: — To promote the progress of science and useful arts, by securing for limited times to authors and inventors, the exclusive right to their respective writings and discoveries: — To constitute tribunals inferior to the supreme court: — To define and punish piracies and felonies committed on the high seas, and offences against the law of nations: — To declare war, grant letters of marque and reprisal, and make rules concerning captures on land or water: — To raise and support armies; but no appropriation of money to that use shall

be for a longer term than two years: — To provide and maintain a navy: — To make rules for the government and regulation of the land and naval forces: — To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions: — To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers and the authority of training the militia, according to the discipline prescribed by congress: — To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states and the acceptance of congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards and other needful buildings: — And to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

SEC. 9. The migration or importation of such persons as any of the states now existing, shall think proper to admit, shall not be prohibited by the congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

No bill of attainder, or ex post facto law, shall be passed.

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue, to the ports of one state over those of another; nor shall vessels bound to or from one state be obliged to enter, clear or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the congress, accept of any present, emolument, office or title of any kind whatever, from any king, prince or foreign state.

SEC. 10. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a

tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.

No state shall, without the consent of the congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the congress.

No state shall, without the consent of congress, lay any duty on tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state or with a foreign power, or engage in war, unless actually invaded or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION 1. The executive power shall be vested in a PRESIDENT of the United States of America. He shall hold his office during the term of four years; and together with the vice-president chosen for the same term, be elected as follows: —

Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[The electors shall meet in their respective states, and vote by ballot for two persons of whom one, at least, shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and the number of votes for each; which list they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose by ballot one of them for president; and if no person have a majority, then from the five highest on the list, the said house shall in like manner choose the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors, shall be the

vice-president. But if there should remain two or more who have equal votes, the senate shall choose from them, by ballot, the vice-president.*]

The congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person, except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the president from office, or of his death, resignation or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president; and the congress may by law provide for the case of removal, death, resignation or inability, both of the president and vice-president, declaring what officer shall then act as president; and such officer shall act accordingly, until the disability be removed or a president shall be elected.

The president shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive, within that period, any other emolument from the United States or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:—

"I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will, to the best of my ability, preserve, protect and defend the constitution of the United States."

SEC. 2. The president shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states when called into the actual service of the United States: he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the senate, to make treaties, provided two thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the congress may, by law, vest the appointment of such infe-

* See amendments, Article XII.

rior officers as they think proper, in the president alone, in the courts of law, or in the heads of departments.

The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

SEC. 3. He shall, from time to time, give to the congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

SEC. 4. The president, vice-president and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery or other high crimes and misdemeanors.

ARTICLE III.

SECTION 1. The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SEC. 2. The judicial power shall extend to all cases in law and equity arising under this constitution, the laws of the United States, and the treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states, [between a state and citizens of another state,*] between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the congress shall make.

* See amendments, Art. XI.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the congress may by law have directed.

SEC. 3. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION 1. Full faith and credit shall be given in each state to the public acts, records and judicial proceedings of every other state. And the congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SEC. 2. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

A person charged in any state with treason, felony, or other crime, who shall flee from justice and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up to be removed to the state having jurisdiction of the crime.

No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SEC. 3. New states may be admitted by the congress into this union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislature of the states concerned, as well as of the congress.

The congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

SEC. 4. The United States shall guarantee to every state in

this union a republican form of government, and shall protect each of them against invasion; and, on application of the legislature, or of the executive, (when the legislature cannot be convened,) against domestic violence.

ARTICLE V.

The congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the congress; provided, that no amendments which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

ARTICLE VI.

All debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the United States, under this constitution, as under the confederation.

This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby; any thing in the constitution or laws of any state to the contrary notwithstanding.

The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in convention, by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Inde-

pendence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,
President, and Deputy from Virginia.

NEW-HAMPSHIRE.
JOHN LANGDON,
NICHOLAS GILMAN.

MASSACHUSETTS.
NATHANIEL GORHAM,
RUFUS KING.

CONNECTICUT.
WILLIAM SAMUEL JOHNSON,
ROGER SHERMAN.

NEW-YORK.
ALEXANDER HAMILTON.

NEW-JERSEY.
WILLIAM LIVINGSTON,
DAVID BREARLY,
WILLIAM PATTERSON,
JONATHAN DAYTON.

PENNSYLVANIA.
BENJAMIN FRANKLIN,
THOMAS MIFFLIN,
ROBERT MORRIS,
GEORGE CLYMER,
THOMAS FITZSIMONS,
JARED INGERSOLL,
JAMES WILSON,
GOUVERNEUR MORRIS.

DELAWARE.
GEORGE READ,
GUNNING BEDFORD, JUN.,
JOHN DICKINSON,
RICHARD BASSETT,
JACOB BROOM.

MARYLAND.
JAMES M'HENRY,
DANIEL of St. Tho. JENIFER,
DANIEL CARROLL.

VIRGINIA.
JOHN BLAIR,
JAMES MADISON, JUN.

NORTH-CAROLINA.
WILLIAM BLOUNT,
RICHARD DOBBS SPAIGHT,
HUGH WILLIAMSON.

SOUTH-CAROLINA.
JOHN RUTLEDGE,
CHAS. COTESWORTH PINCKNEY,
CHARLES PINCKNEY,
PIERCE BUTLER.

GEORGIA.
WILLIAM FEW,
ABRAHAM BALDWIN.

Attest, WILLIAM JACKSON, Sec'ry.

The constitution was adopted and ratified on the 29th of May, 1790, by a convention elected by the people of the state of Rhode Island.

ARTICLES,

In addition to, and amendment of, the constitution of the United States, ratified by the legislatures of the several states, pursuant to the fifth article of the original constitution.

I. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

II. A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

III. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

IV. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

V. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.

VI. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

VII. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reëxamined in any court of the United States, than according to the rules of the common law.

VIII. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

IX. The enumeration in the constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

X. The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

XI. The judicial power of the United States shall not be construed to extend to any suit, in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

ARTICLE III.

Powers Distributed.

Three departments.

ARTICLE IV.

Legislative Power.

SECTION

1. Constitution supreme law.
2. Two houses. — General assembly. — Style of laws.
3. Sessions of general assembly.
4. Members not to take fees, &c.
5. Members exempt from arrest, &c.
6. Powers of each house. — Organization.
7. Powers to make rules, &c.
8. Of the journal and yeas and nays.
9. Of adjournments.
10. Of powers not prohibited.
11. Pay of members.
12. Lotteries prohibited.
13. Debts not to be incurred.
14. Private or local appropriations.
15. Of valuations of property and assessments.
16. Officers may be continued until successors qualified.
17. Bills to create corporations to be continued, except, &c.
18. Of election of senators to congress.

ARTICLE V.

House of Representatives.

SECTION

1. House, how constituted. — Ratio of representation.
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ARTICLE VI.

Senate.

SECTION

1. How constituted.
2. Governor to preside. — When to vote in grand committee.
3. May elect presiding officer in case of vacancy, &c.
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ARTICLE VII.

Executive.

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5. He may fill vacancies.
6. He may adjourn assembly, in case, &c.
7. He may convene assembly, when, &c.
8. Commissions, how signed, &c.
9. Lieutenant-governor, when to act as governor.
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11. Compensation of governor, &c.
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1. Qualified electors only eligible.
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3. Oath of general officers.
4. Officers, how engaged.
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ARTICLE X.

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SECTION

1. One supreme court. — Inferior courts, how established.

2. Jurisdiction of courts. — Chancery powers.
3. Judges of supreme court to instruct jury. — To give opinions, &c.
4. Of election and tenure of office of judges of supreme court.
5. Vacancies, how filled.
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ARTICLE XI.

Impeachments.

SECTION
1. Impeachments, how ordered.
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ARTICLE XII.

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1. Duty of general assembly to promote schools, &c.
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AMENDMENTS TO THE CONSTITUTION.

ARTICLE I.

Lists of voters for general officers no longer required to be kept, &c.

ARTICLE II.

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ARTICLE III.

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WE, the people of the state of Rhode Island and Providence Plantations, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to him for a blessing upon our endeavors to secure and to transmit the same, unimpaired, to succeeding generations, do ordain and establish this constitution of government.

ARTICLE I.

Declaration of certain Constitutional Rights and Principles.

In order effectually to secure the religious and political freedom established by our venerated ancestors, and to preserve the same for our posterity, we do declare, that the essential and unquestionable rights and principles hereinafter mentioned, shall be established, maintained and preserved, and shall be of paramount obligation in all legislative, judicial and executive proceedings.

SECTION 1. In the words of the Father of his Country, we declare, that "the basis of our political systems is the right of the people to make and alter their constitutions of government; but

that the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all."

SEC. 2. All free governments are instituted for the protection, safety and happiness of the people. All laws, therefore, should be made for the good of the whole; and the burdens of the state ought to be fairly distributed among its citizens.

SEC. 3. Whereas Almighty God hath created the mind free; and all attempts to influence it by temporal punishments or burthens, or by civil incapacitations, tend to beget habits of hypocrisy and meanness; and whereas a principal object of our venerable ancestors, in their migration to this country and their settlement of this state, was, as they expressed it, to hold forth a lively experiment, that a flourishing civil state may stand and be best maintained with full liberty in religious concernments: we, therefore, declare, that no man shall be compelled to frequent or to support any religious worship, place or ministry whatever, except in fulfilment of his own voluntary contract; nor enforced, restrained, molested or burthened in his body or goods; nor disqualified from holding any office; nor otherwise suffer on account of his religious belief; and that every man shall be free to worship God according to the dictates of his own conscience, and to profess and by argument to maintain his opinion in matters of religion; and that the same shall in nowise diminish, enlarge or affect his civil capacity.

SEC. 4. Slavery shall not be permitted in this state.

SEC. 5. Every person within this state ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property or character. He ought to obtain right and justice freely, and without purchase, completely and without denial; promptly and without delay; conformably to the laws.

SEC. 6. The right of the people to be secure in their persons, papers and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but on complaint in writing, upon probable cause, supported by oath or affirmation, and describing as nearly as may be, the place to be searched, and the persons or things to be seized.

SEC. 7. No person shall be held to answer for a capital or other infamous crime, unless on presentment or indictment by a grand jury, except in cases of impeachment, or of such offences as are cognizable by a justice of the peace; or in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger. No person shall, after an acquittal, be tried for the same offence.

SEC. 8. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted; and all punishments ought to be proportioned to the offence.

SEC. 9. All persons imprisoned ought to be bailed by sufficient surety, unless for offences punishable by death or by imprisonment for life, when the proof of guilt is evident or the presumption great. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety shall require it; nor ever without the authority of the general assembly.

SEC. 10. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury; to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining them in his favor, to have the assistance of counsel in his defence, and shall be at liberty to speak for himself; nor shall he be deprived of life, liberty or property, unless by the judgment of his peers, or the law of the land.

SEC. 11. The person of a debtor, when there is not strong presumption of fraud, ought not to be continued in prison, after he shall have delivered up his property for the benefit of his creditors, in such manner as shall be prescribed by law.

SEC. 12. No ex post facto law, or law impairing the obligation of contracts, shall be passed.

SEC. 13. No man in a court of common law shall be compelled to give evidence criminating himself.

SEC. 14. Every man being presumed innocent, until he is pronounced guilty by the law, no act of severity which is not necessary to secure an accused person, shall be permitted.

SEC. 15. The right of trial by jury shall remain inviolate.

SEC. 16. Private property shall not be taken for public uses, without just compensation.

SEC. 17. The people shall continue to enjoy and freely exercise all the rights of fishery, and the privileges of the shore, to which they have been heretofore entitled under the charter and usages of this state. But no new right is intended to be granted, nor any existing right impaired, by this declaration.

SEC. 18. The military shall be held in strict subordination to the civil authority. And the law martial shall be used and exercised in such cases only as occasion shall necessarily require.

SEC. 19. No soldier shall be quartered in any house, in time of peace, without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law.

SEC. 20. The liberty of the press being essential to the security of freedom in a state, any person may publish his sentiments on any subject, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth, unless published from malicious motives, shall be sufficient defence to the person charged.

SEC. 21. The citizens have a right in a peaceable manner to assemble for their common good, and to apply to those invested with the powers of government, for redress of grievances, or for other purposes, by petition, address or remonstrance.

SEC. 22. The right of the people to keep and bear arms shall not be infringed.

SEC. 23. The enumeration of the foregoing rights shall not be construed to impair or deny others retained by the people.

ARTICLE II.

Of the Qualifications of Electors.

SEC. 1. Every male citizen of the United States, of the age of twenty-one years, who has had his residence and home in this state for one year, and in the town or city in which he may claim a right to vote, six months, next preceding the time of voting, and who is really and truly possessed in his own right of real estate in such town or city of the value of one hundred and thirty-four dollars over and above all incumbrances, or which shall rent for seven dollars per annum over and above any rent reserved or the interest of any incumbrances thereon, being an estate in fee-simple, fee-tail, for the life of any person, or an estate in reversion or remainder, which qualifies no other person to vote, the conveyance of which estate, if by deed, shall have been recorded at least ninety days, shall thereafter have a right to vote in the election of all civil officers and on all questions in all legal town or ward meetings so long as he continues so qualified. And if any person hereinbefore described shall own any such estate within this state out of the town or city in which he resides, he shall have a right to vote in the election of all general officers and members of the general assembly in the town or city in which he shall have had his residence and home for the term of six months next preceding the election, upon producing a certificate from the clerk of the town or city in which his estate lies, bearing date within ten days of the time of his voting, setting forth that such person has a suffi-

cient estate therein to qualify him as a voter; and that the deed, if any, has been recorded ninety days.

SEC. 2. Every male native citizen of the United States, of the age of twenty-one years, who has had his residence and home in this state two years, and in the town or city in which he may offer to vote, six months next preceding the time of voting, whose name is registered pursuant to the act calling the convention to frame this constitution, or shall be registered in the office of the clerk of such town or city at least seven days before the time he shall offer to vote, and before the last day of December in the present year; and who has paid or shall pay a tax or taxes assessed upon his estate within this state and within a year of the time of voting to the amount of one dollar, or who shall voluntarily pay, at least seven days before the time he shall offer to vote, and before said last day of December, to the clerk or treasurer of the town or city where he resides, the sum of one dollar, or such sum as with his other taxes shall amount to one dollar, for the support of public schools therein, and shall make proof of the same, by the certificate of the clerk, treasurer or collector of any town or city where such payment is made: or who, being so registered, has been enrolled in any military company in this state, and done military service or duty therein, within the present year, pursuant to law, and shall (until other proof is required by law) prove by the certificate of the officer legally commanding the regiment, or chartered, or legally authorized volunteer company in which he may have served or done duty, that he has been equipped and done duty according to law, or by the certificate of the commissioners upon military claims, that he has performed military service, shall have a right to vote in the election of all civil officers, and on all questions in all legally organized town or ward meetings, until the end of the first year after the adoption of this constitution, or until the end of the year eighteen hundred and forty-three.

From and after that time, every such citizen who has had the residence herein required, and whose name shall be registered in the town where he resides, on or before the last day of December, in the year next preceding the time of his voting, and who shall show by legal proof, that he has for and within the year next preceding the time he shall offer to vote, paid a tax or taxes assessed against him in any town or city in this state, to the amount of one dollar, or that he has been enrolled in a military company in this state, been equipped and done duty therein, according to law, and at least for one day during such year, shall have a right to vote in the election of all civil officers, and on all questions, in all legally organized town or ward meetings: Provided, that no person shall at any time be allowed to vote in the election of the city council of the city of Providence, or upon any proposition to impose a tax or for the expenditure of money in any town or city, unless he shall within the year next preceding, have paid a tax assessed upon his property therein, valued at least at one hundred and thirty-four dollars.

SEC. 3. The assessors of each town or city shall annually assess upon every person whose name shall be registered, a tax of one dollar, or such sum as with his other taxes shall amount to one dollar, which registry tax shall be paid into the treasury of such town or city, and be applied to the support of public schools therein: but no compulsory process shall issue for the collection of any registry tax: Provided, that the registry tax of every person who has performed military duty according to the provisions of the preceding section, shall be remitted for the year he shall perform such duty; and the registry tax assessed upon any mariner, for any year while he is at sea, shall, upon his application, be remitted; and no person shall be allowed to vote whose registry tax for either of the two years next preceding the time of voting is not paid or remitted as herein provided.

SEC. 4. No person in the military, naval, marine or any other service of the United States, shall be considered as having the required residence by reason of being employed in any garrison, barrack, or military or naval station in this state: and no pauper, lunatic, person non compos mentis, person under guardianship, or member of the Narragansett tribe of Indians, shall be permitted to be registered or to vote. Nor shall any person convicted of bribery, or of any crime deemed infamous at common law, be permitted to exercise that privilege, until he be expressly restored thereto by act of the general assembly.

SEC. 5. Persons residing on lands ceded by this state to the United States shall not be entitled to exercise the privilege of electors.

SEC. 6. The general assembly shall have full power to provide for a registry of voters, to prescribe the manner of conducting the elections, the form of certificates, the nature of the evidence to be required in case of a dispute as to the right of any person to vote, and generally to enact all laws necessary to carry this article into effect, and to prevent abuse, corruption and fraud in voting.

ARTICLE III.

Of the Distribution of Powers.

The powers of the government shall be distributed into three departments: the legislative, executive and judicial.

ARTICLE IV.

Of the Legislative Power.

SEC. 1. This constitution shall be the supreme law of the state,

and any law inconsistent therewith shall be void. The general assembly shall pass all laws necessary to carry this constitution into effect.

SEC. 2. The legislative power, under this constitution, shall be vested in two houses, the one to be called the senate, the other the house of representatives; and both together the general assembly. The concurrence of the two houses shall be necessary to the enactment of laws. The style of their laws shall be, *It is enacted by the general assembly as follows:*

SEC. 3. There shall be two sessions of the general assembly holden annually: one at Newport, on the first Tuesday of May, for the purposes of election and other business; the other on the last Monday of October, which last session shall be holden at South Kingstown once in two years, and the intermediate years alternately at Bristol and East Greenwich; and an adjournment from the October session shall be holden annually at Providence.

SEC. 4. No member of the general assembly shall take any fee, or be of counsel, in any case pending before either house of the general assembly, under penalty of forfeiting his seat, upon proof thereof to the satisfaction of the house of which he is a member.

SEC. 5. The person of every member of the general assembly shall be exempt from arrest and his estate from attachment in any civil action, during the session of the general assembly, and two days before the commencement and two days after the termination thereof, and all process served contrary hereto shall be void. For any speech in debate in either house, no member shall be questioned in any other place.

SEC. 6. Each house shall be the judge of the elections and qualifications of its members; and a majority shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner, and under such penalties as may be prescribed by such house or by law. The organization of the two houses may be regulated by law, subject to the limitations contained in this constitution.

SEC. 7. Each house may determine its rules of proceeding, punish contempts, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member; but not a second time for the same cause.

SEC. 8. Each house shall keep a journal of its proceedings. The yeas and nays of the members of either house shall, at the desire of one fifth of those present, be entered on the journal.

SEC. 9. Neither house shall, during a session, without the con-

sent of the other, adjourn for more than two days, nor to any other place than that in which they may be sitting.

SEC. 10. The general assembly shall continue to exercise the powers they have heretofore exercised, unless prohibited in this constitution.

SEC. 11. The senators and representatives shall receive the sum of one dollar for every day of attendance, and eight cents per mile for travelling expenses in going to and returning from the general assembly. The general assembly shall regulate the compensation of the governor and all other officers, subject to the limitations contained in this constitution.

SEC. 12. All lotteries shall hereafter be prohibited in this state, except those already authorized by the general assembly.

SEC. 13. The general assembly shall have no power, hereafter, without the express consent of the people, to incur state debts to an amount exceeding fifty thousand dollars, except in time of war, or in case of insurrection or invasion; nor shall they in any case, without such consent, pledge the faith of the state for the payment of the obligations of others. This section shall not be construed to refer to any money that may be deposited with this state by the government of the United States.

SEC. 14. The assent of two thirds of the members elected to each house of the general assembly shall be required to every bill appropriating the public money or property for local or private purposes.

SEC. 15. The general assembly shall, from time to time, provide for making new valuations of property, for the assessment of taxes, in such manner as they may deem best. A new estimate of such property shall be taken before the first direct state tax, after the adoption of this constitution, shall be assessed.

SEC. 16. The general assembly may provide by law for the continuance in office of any officers of annual election or appointment, until other persons are qualified to take their places.

SEC. 17. Hereafter, when any bill shall be presented to either house of the general assembly, to create a corporation for any other than for religious, literary or charitable purposes, or for a military or fire company, it shall be continued until another election of members of the general assembly shall have taken place, and such public notice of the pendency thereof shall be given as may be required by law.

SEC. 18. It shall be the duty of the two houses, upon the request of either, to join in grand committee for the purpose of electing

senators in congress, at such times and in such manner as may be prescribed by law for said elections.

ARTICLE V.

Of the House of Representatives.

SEC. 1. The house of representatives shall never exceed seventy-two members, and shall be constituted on the basis of population, always allowing one representative for a fraction exceeding half the ratio: but each town or city shall always be entitled to at least one member; and no town or city shall have more than one sixth of the whole number of members to which the house is hereby limited. The present ratio shall be one representative to every fifteen hundred and thirty inhabitants, and the general assembly may, after any new census taken by the authority of the United States or of this state, re-apportion the representation by altering the ratio; but no town or city shall be divided into districts for the choice of representatives.

SEC. 2. The house of representatives shall have authority to elect its speaker, clerks, and other officers. The senior member from the town of Newport, if any be present, shall preside in the organization of the house.

ARTICLE VI.

Of the Senate.

SEC. 1. The senate shall consist of the licutenant-governor and of one senator from each town or city in the state.

SEC. 2. The governor, and, in his absence, the lieutenant-governor, shall preside in the senate and in grand committee. The presiding officer of the senate and grand committee shall have a right to vote in case of equal division, but not otherwise.

SEC. 3. If, by reason of death, resignation, absence or other cause, there be no governor or lieutenant-governor present, to preside in the senate, the senate shall elect one of their own members to preside during such absence or vacancy; and until such election is made by the senate, the secretary of state shall preside.

SEC. 4. The secretary of state shall, by virtue of his office, be secretary of the senate, unless otherwise provided by law; and the senate may elect such other officers as they may deem necessary.

ARTICLE VII.

Of the Executive Power.

SEC. 1. The chief executive power of this state shall be vested in a governor, who, together with a lieutenant-governor, shall be annually elected by the people.

SEC. 2. The governor shall take care that the laws be faithfully executed.

SEC. 3. He shall be captain-general and commander-in-chief of the military and naval forces of this state, except when they shall be called into the service of the United States.

SEC. 4. He shall have power to grant reprieves after conviction, in all cases except those of impeachment, until the end of the next session of the general assembly.

SEC. 5. He may fill vacancies in office not otherwise provided for by this constitution or by law, until the same shall be filled by the general assembly, or by the people.

SEC. 6. In case of disagreement between the two houses of the general assembly, respecting the time or place of adjournment certified to him by either, he may adjourn them to such time and place as he shall think proper; provided that the time of adjournment shall not be extended beyond the day of the next stated session.

SEC. 7. He may, on extraordinary occasions, convene the general assembly at any town or city in this state, at any time not provided for by law; and in case of danger from the prevalence of epidemic or contagious disease, in the place in which the general assembly are by law to meet, or to which they may have been adjourned, or for other urgent reasons, he may by proclamation, convene said assembly at any other place within this state.

SEC. 8. All commissions shall be in the name and by authority of the state of Rhode Island and Providence Plantations; shall be sealed with the state seal, signed by the governor and attested by the secretary.

SEC. 9. In case of vacancy in the office of governor, or of his inability to serve, impeachment, or absence from the state, the lieutenant-governor shall fill the office of governor and exercise the powers and authority appertaining thereto, until a governor is qualified to act, or until the office is filled at the next annual election.

SEC. 10. If the offices of governor and lieutenant-governor be both vacant, by reason of death, resignation, impeachment, absence, or otherwise, the person entitled to preside over the senate for the time being, shall in like manner fill the office of governor during such absence or vacancy.

SEC. 11. The compensation of the governor and lieutenant-governor shall be established by law, and shall not be diminished during the term for which they are elected.

SEC. 12. The duties and powers of the secretary, attorney-general, and general treasurer, shall be the same under this constitution as are now established, or as from time to time may be prescribed by law.

ARTICLE VIII.

Of Elections.

SEC. 1. The governor, lieutenant-governor, senators, representatives, secretary of state, attorney-general, and general treasurer, shall be elected at the town, city or ward meetings, to be holden on the first Wednesday of April, annually; and shall severally hold their offices for one year, from the first Tuesday of May next succeeding, and until others are legally chosen, and duly qualified to fill their places. If elected or qualified after the said first Tuesday of May, they shall hold their offices for the remainder of the political year, and until their successors are qualified to act.

SEC. 2. The voting for governor, lieutenant-governor, secretary of state, attorney-general, general treasurer, and representative to congress, shall be by ballot; senators and representatives to the general assembly, and town or city officers, shall be chosen by ballot, on demand of any seven persons entitled to vote for the same; and in all cases where an election is made by ballot or paper vote, the manner of balloting shall be the same as is now required in voting for general officers, until otherwise prescribed by law.

SEC. 3. The names of the persons voted for as governor, lieutenant-governor, secretary of state, attorney-general, and general treasurer shall be placed upon one ticket; and all votes for these officers shall, in open town or ward meetings, be sealed up by the moderators and town clerks and by the wardens and ward clerks, who shall certify the same and deliver or send them to the secretary of state; whose duty it shall be securely to keep and deliver the same to the grand committee, after the organization of the two houses at the annual May session; and it shall be the duty of the two houses at said session, after their organization, upon the request of either house, to join in grand committee, for the purpose of counting and declaring said votes, and of electing other officers.

SEC. 4. The town and ward clerks shall also keep a correct list or register of all persons voting for general officers, and shall transmit a copy thereof to the general assembly, on or before the first day of said May session.

SEC. 5. The ballots for senators and representatives in the several towns shall, in each case after the polls are declared to be closed, be counted by the moderator, who shall announce the result, and the clerk shall give certificates to the persons elected. If, in any case, there be no election, the polls may be re-opened, and the like proceedings shall be had until an election shall take place: Provided, however, that an adjournment or adjournments of the election may be made to a time not exceeding seven days from the first meeting.

SEC. 6. In the city of Providence, the polls for senator and representatives shall be kept open during the whole time of voting for the day, and the votes in the several wards shall be sealed up at the close of the meeting by the wardens and ward clerks in open ward meeting, and afterwards delivered to the city clerk. The mayor and aldermen shall proceed to count said votes within two days from the day of election; and if no election of senator and representatives, or if an election of only a portion of the representatives shall have taken place, the mayor and aldermen shall order a new election, to be held not more than ten days from the day of the first election and so on until the election shall be completed. Certificates of election, shall be furnished by the city clerk to the persons chosen.

SEC. 7. If no person shall have a majority of votes for governor, it shall be the duty of the grand committee to elect one by ballot from the two persons having the highest number of votes for the office, except when such a result is produced by rejecting the entire vote of any town, city or ward for informality or illegality, in which case a new election by the electors throughout the state shall be ordered; and in case no person shall have a majority of votes for lieutenant-governor, it shall be the duty of the grand committee to elect one by ballot from the two persons having the highest number of votes for the office.

SEC. 8. In case an election of the secretary of state, attorney general, or general treasurer, should fail to be made by the electors at the annual election, the vacancy or vacancies shall be filled by the general assembly in grand committee, from the two candidates for such office having the greatest number of the votes of the electors. Or, in case of a vacancy in either of said offices from other causes, between the sessions of the general assembly, the governor shall appoint some person to fill the same until a successor elected by the general assembly is qualified to act; and in such case, and also in all other cases of vacancies, not otherwise

provided for, the general assembly may fill the same in any manner they may deem proper.

SEC. 9. Vacancies from any cause in the senate or house of representatives, may be filled by a new election.

SEC. 10. In all elections held by the people, under this constitution, a majority of all the electors voting shall be necessary to the election of the persons voted for.

ARTICLE IX.

Of Qualifications for Office.

SEC. 1. No person shall be eligible to any civil office, (except the office of school committee,) unless he be a qualified elector for such office.

SEC. 2. Every person shall be disqualified from holding any office to which he may have been elected, if he be convicted of having offered, or procured any other person to offer, any bribe to secure his election, or the election of any other person.

SEC. 3. All general officers shall take the following engagement before they act in their respective offices, to wit: You being, by the free vote of the electors of this state of Rhode Island and Providence Plantations, elected unto the place of do solemnly swear (or affirm) to be true and faithful unto this state, and to support the constitution of this state and of the United States; that you will faithfully and impartially discharge all the duties of your aforesaid office to the best of your abilities, according to law: So help you God. Or, this affirmation you make and give upon the peril of the penalty of perjury.

SEC. 4. The members of the general assembly, the judges of all the courts, and all other officers, both civil and military, shall be bound by oath or affirmation to support this constitution, and the constitution of the United States.

SEC. 5. The oath or affirmation shall be administered to the governor, lieutenant-governor, senators and representatives, by the secretary of state, or, in his absence, by the attorney-general. The secretary of state, attorney-general, and general treasurer, shall be engaged by the governor, or by a justice of the supreme court.

SEC. 6. No person holding any office under the government of the United States, or of any other state or country, shall act as a general officer, or as a member of the general assembly, unless at the time of taking his engagement he shall have resigned his office under such government; and if any general officer, senator, repre-

sentative, or judge, shall, after his election and engagement, accept any appointment under any other government, his office under this shall be immediately vacated; but this restriction shall not apply to any person appointed to take depositions or acknowledgment of deeds, or other legal instruments, by the authority of any other state or country.

ARTICLE X.

Of the Judicial Power.

SEC. 1. The judicial power of this state shall be vested in one supreme court, and in such inferior courts as the general assembly may, from time to time, ordain and establish.

SEC. 2. The several courts shall have such jurisdiction as may from time to time be prescribed by law. Chancery powers may be conferred on the supreme court, but on no other court to any greater extent than is now provided by law.

SEC. 3. The judges of the supreme court shall, in all trials, instruct the jury in the law. They shall also give their written opinion upon any question of law whenever requested by the governor, or by either house of the general assembly.

SEC. 4. The judges of the supreme court shall be elected by the two houses in grand committee. Each judge shall hold his office until his place be declared vacant by a resolution of the general assembly to that effect; which resolution shall be voted for by a majority of all the members elected to the house in which it may originate, and be concurred in by the same majority of the other house. Such resolution shall not be entertained at any other than the annual session for the election of public officers; and in default of the passage thereof at said session, the judge shall hold his place as is herein provided. But a judge of any court shall be removed from office if, upon impeachment, he shall be found guilty of any official misdemeanor.

SEC. 5. In case of vacancy by death, resignation, removal from the state or from office, refusal or inability to serve, of any judge of the supreme court, the office may be filled by the grand committee, until the next annual election, and the judge then elected shall hold his office as before provided. In cases of impeachment, or temporary absence, or inability, the governor may appoint a person to discharge the duties of the office during the vacancy caused thereby.

SEC. 6. The judges of the supreme court shall receive a compensation for their services, which shall not be diminished during their continuance in office.

SEC. 7. The towns of New Shoreham and Jamestown may continue to elect their wardens as heretofore. The other towns and the city of Providence may elect such number of justices of the peace, resident therein, as they may deem proper. The jurisdiction of said justices and wardens shall be regulated by law. The justices shall be commissioned by the governor.

ARTICLE XI.

Of Impeachments.

SEC. 1. The house of representatives shall have the sole power of impeachment. A vote of two thirds of all the members elected shall be required for an impeachment of the governor. Any officer impeached shall thereby be suspended from office until judgment in the case shall have been pronounced.

SEC. 2. All impeachments shall be tried by the senate; and, when sitting for that purpose, they shall be under oath or affirmation. No person shall be convicted except by vote of two thirds of the members elected. When the governor is impeached, the chief or presiding justice of the supreme court, for the time being, shall preside, with a casting vote in all preliminary questions.

SEC. 3. The governor and all other executive and judicial officers shall be liable to impeachment; but judgment in such cases shall not extend further than to removal from office. The person convicted shall, nevertheless, be liable to indictment, trial, and punishment, according to law.

ARTICLE XII.

Of Education.

SEC. 1. The diffusion of knowledge, as well as of virtue, among the people, being essential to the preservation of their rights and liberties, it shall be the duty of the general assembly to promote public schools, and to adopt all means which they may deem necessary and proper to secure to the people the advantages and opportunities of education.

SEC. 2. The money which now is, or which may hereafter be appropriated by law for the establishment of a permanent fund for the support of public schools, shall be securely invested, and remain a perpetual fund for that purpose.

SEC. 3. All donations for the support of public schools or for other purposes of education, which may be received by the general assembly, shall be applied according to the terms prescribed by the donors.

SEC. 4. The general assembly shall make all necessary provisions by law for carrying this article into effect. They shall not divert said money or fund from the aforesaid uses, nor borrow, appropriate, or use the same, or any part thereof, for any other purpose, under any pretence whatsoever.

ARTICLE XIII.

On Amendments.

The general assembly may propose amendments to this constitution by the votes of a majority of all the members elected to each house. Such propositions for amendment shall be published in the newspapers, and printed copies of them shall be sent by the secretary of state, with the names of all the members who shall have voted thereon, with the yeas and nays, to all the town and city clerks in the state. The said propositions shall be, by said clerks, inserted in the warrants or notices by them issued, for warning the next annual town and ward meetings in April; and the clerks shall read said propositions to the electors when thus assembled, with the names of all the representatives and senators who shall have voted thereon, with the yeas and nays, before the election of senators and representatives shall be had. If a majority of all the members elected to each house, at said annual meeting, shall approve any proposition thus made, the same shall be published and submitted to the electors in the mode provided in the act of approval; and if then approved by three fifths of the electors of the state present, and voting thereon in town and ward meetings, it shall become a part of the constitution of the state.

ARTICLE XIV.

Of the Adoption of this Constitution.

SEC. 1. This constitution, if adopted, shall go into operation on the first Tuesday of May, in the year one thousand eight hundred and forty-three. The first election of governor, lieutenant-governor, secretary of state, attorney general, and general treasurer, and of senators, and representatives under said constitution, shall be had on the first Wednesday of April next preceding, by the electors qualified under said constitution. And the town and ward meetings therefor shall be warned and conducted as is now provided by law. All civil and military officers now elected, or who shall hereafter be elected, by the general assembly, or other competent authority, before the said first Wednesday of April, shall hold their offices and may exercise their powers until the said first Tuesday of May, or until their successors shall be qualified to act. All statutes, public and private, not repugnant to this constitution, shall continue in force until they expire by their own limitation, or

are repealed by the general assembly. All charters, contracts, judgments, actions, and rights of action shall be as valid as if this constitution had not been made. The present government shall exercise all the powers with which it is now clothed, until the said first Tuesday of May, one thousand eight hundred and forty-three, and until the government under this constitution is duly organized.

SEC. 2. All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the state as if this constitution had not been adopted.

SEC. 3. The supreme court, established by this constitution, shall have the same jurisdiction as the supreme judicial court at present established, and shall have jurisdiction of all causes which may be appealed to, or pending in the same; and shall be held at the same times and places, and in each county, as the present supreme judicial court, until otherwise prescribed by the general assembly.

SEC. 4. The towns of New Shoreham and Jamestown shall continue to enjoy the exemptions from military duty which they now enjoy, until otherwise prescribed by law.

Done in convention, at East Greenwich, this fifth day of November, A. D. one thousand eight hundred and forty-two.

JAMES FENNER, President.
HENRY Y. CRANSTON, Vice-Pres't.

THOMAS A. JENCKES, } Secretaries.
WALTER W. UPDIKE, }

ARTICLES OF AMENDMENT,

ADOPTED NOVEMBER, 1854.

ARTICLE I.

It shall not be necessary for the town or ward clerks to keep and transmit to the general assembly a list or register of all persons voting for general officers; but the general assembly shall have power to pass such laws on the subject as they may deem expedient.

ARTICLE II.

The governor, by and with the advice and consent of the senate, shall hereafter exclusively exercise the pardoning power, except in cases of impeachment, to the same extent as such power is now exercised by the general assembly.

ARTICLE III.

There shall be one session of the general assembly holden annually, commencing on the last Tuesday in May, at Newport, and an adjournment from the same shall be holden annually at Providence.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND FIFTY-SEVEN.

REVISED STATUTES

OF THE

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

It is enacted by the General Assembly as follows:—

TITLE I.

Of Legislative Proceedings and of Statutes.

CHAPTER 1. Of the constitution and organization of the general assembly.
CHAPTER 2. Of petitions to the general assembly.
CHAPTER 3. Of the publication and distribution of acts and resolves of the general assembly.
CHAPTER 4. Of certain civil officers elected by the general assembly.
CHAPTER 5. Of the tenure and oath of office of certain officers.
CHAPTER 6. Of the construction of statutes.

CHAPTER 1.

OF THE CONSTITUTION AND ORGANIZATION OF THE GENERAL ASSEMBLY.

SECTION
1. Senate, how constituted.
2. House of representatives, how constituted, and ratio of representation.
3. Number of representatives from each town and city.
4. Senate, how organized.
5. House, how organized.
6. Presiding officer at the organization of the house.
7. Senate to unite with the house; receive and count votes for general officers.
8. Attendance of senators and representatives, how compelled.
9. Senators and representatives not present at first meeting to take oath of office before acting.
10. Vacancies in either house during the session, how filled.
11. Form of oath to be taken by senators and representatives.

SECTION 1. The senate shall consist of the lieutenant-governor, and of one senator from each town or city in the state.

SEC. 2. The house of representatives shall consist of one representative for every eighteen hundred and seventy-five inhabitants of every town and city, and one additional representative for every fraction of the inhabitants of every town and city exceeding one half of the ratio aforesaid; but each town and city shall be entitled to at least one representative; and no town or city shall be entitled to send more than twelve representatives.

SEC. 3. The several towns and cities in the state shall send to the general assembly the following number of representatives, that is to say: — Newport, five; Providence, twelve; Portsmouth, one; Warwick, four; Westerly, one; New Shoreham, one; North Kingstown, two; South Kingstown, two; East Greenwich, one; Jamestown, one; Smithfield, six; Scituate, two; Glocester, two; Charlestown, one; West Greenwich, one; Coventry, two; Exeter, one; Middletown, one; Bristol, two; Tiverton, one; Little Compton, one; Warren, two; Cumberland, four; Richmond, one; Cranston, two; Hopkinton, one; Johnston, two; North Providence, four; Barrington, one; Foster, one; Burrillville, two; Fall River, one.

SEC. 4. The senators elect shall, on the last Tuesday in May, in every year, assemble in the senate chamber, present their certificates of election, and take the oath of office, before the secretary of state, or the attorney-general; after which, if a quorum be present, they shall elect their officers.

SEC. 5. The members elect of the house of representatives shall assemble, annually, in the representatives chamber, on the last Tuesday in May, present their certificates of election, and take the oath of office before the secretary of state or the attorney-general; after which, if a quorum be present, they shall organize the house of representatives by the election of a speaker and other officers.

SEC. 6. If there be no member present in the house of representatives from the city of Newport, to preside at the organization of that house, the senior member of the house in continued membership, shall preside in such organization.

SEC. 7. Upon the organization of the two houses, the senate shall unite with the house of representatives in grand committee, for the purpose of receiving and counting the votes for general officers, and of inducting the persons elected into their respective offices.

SEC. 8. The attendance of senators elect and representatives elect, and of senators and representatives, may be compelled by warrant under the hand of the presiding officer for the time being, of the senate or house of representatives, as the case may be, directed to any sheriff or deputy sheriff, which warrant may be executed by such officer in any county.

SEC. 9. Senators and representatives not present at the first meeting of the respective houses, may and shall, after presenting their certificates of election, take the oath of office, before they shall act in their respective offices.

SEC. 10. If any vacancy shall happen in either house, during any session of the general assembly, the house in which it occurs, may order a new election, and appoint such time therefor, and give such notice thereof, as it may deem proper.

SEC. 11. The following shall be the form of oath to be taken by the senators and representatives: — You, being chosen to the place of in the general assembly, do solemnly swear (or affirm) that you will be true and faithful to this State of Rhode Island and Providence Plantations; that you will support the constitution of the United States, and the constitution and laws of this state, and that you will faithfully and impartially discharge the duties of your aforesaid office, to the best of your abilities, according to law. So help you God: (or, this affirmation you make and give, upon peril of the penalty of perjury.)

CHAPTER 2.

OF PETITIONS TO THE GENERAL ASSEMBLY.

SECTION
1. Notice of petitions affecting individuals, how given.
2. Same in case of towns.
3. Service of such notices, how made, and fees therefor.
4. Bond may be required by adverse party.
5. Bond, if required, when and how to be given.
6. Costs, how and by whom taxed.
7. Suit on bond.
8. Notice of a bill to create a corporation, how and when to be given.
9. Members of committees may administer oaths.

SECTION 1. When any petition to be presented to the general assembly affects the rights or interests of any person, notice thereof

shall be given by delivering to, or by leaving at the last and usual place of abode of such person, or the clerk, agent or cashier of any corporation, or the person acting as such, a copy of such petition at least thirty days before the commencement of the session; or if such person resides, or such corporation is established out of the state, and has no known agent or attorney residing in the state, by publishing a copy of such petition, or the substance thereof, three weeks successively in some newspaper printed in the city of Providence, the last publication of which shall be at least one week before said session.

SEC. 2. When any such petition affects the rights or interests of any town, notice thereof may be given by delivering to, or by leaving at the last and usual place of abode of the clerk of such town, a copy of such petition, at least thirty days before the first Wednesday of April next preceding the session to which such petition is to be presented.

SEC. 3. The notice required in the two sections next preceding, may be served by any disinterested person, and the person making such service shall be paid like fees as are allowed by law to officers for serving writs of summons.

SEC. 4. Whenever any person, or town, whose rights or interests are affected by any such petition, shall require a bond of the petitioner, such person or town shall give notice in writing of such requirement, to the secretary of state, on or before the first day of the session to which such petition is to be presented.

SEC. 5. Upon notice given as aforesaid of the requirement of such bond, the petitioner shall deliver to the secretary, within one week after the commencement of the session, a bond to the adverse party, with one sufficient surety, in such sum as the secretary shall think proper; the condition of which bond shall be for the payment of all lawful costs and damages which the adverse party shall sustain by the preferring of such petition.

SEC. 6. The same costs shall be allowed to the parties, and taxed by the secretary, upon such petitions as are allowed by law in cases before the supreme court.

SEC. 7. When any person or town shall sustain any damage by the preferring of any petition as aforesaid, the secretary shall deliver such bond to the person or town so damaged, and said person or town may bring a suit thereon.

SEC. 8. When any bill shall be presented to either house, to create a corporation for any other than for religious, literary or charitable purposes, or for a military or fire company, notice of the pendency of such bill, of the purpose thereof, and of the place where such corporation is intended to be established, shall be given by the petitioner in some newspaper printed in the town or county where such corporation is sought to be located; or if there be no newspaper printed in such town or county, then in some newspaper published in an adjoining town or county, for three weeks successively preceding the first Wednesday of April next after the preferring of such petition.

SEC. 9. Any senator or representative while acting as a member

of any committee of the general assembly, or of either house thereof, may administer an oath to any person who may be examined touching any matter pending before such committee.

CHAPTER 3.

OF THE PUBLICATION AND DISTRIBUTION OF ACTS AND RESOLVES OF THE GENERAL ASSEMBLY.

SECTION
1. Original acts and resolves, where to be deposited.
2. Copies to be printed.
3. How distributed.
4. Copies to be bound, and distributed.
5. Public laws to be published, and distributed.
6. The governor may distribute public documents.
7. Publication of acts and resolves in newspapers.
8. Same subject.
9. Newspapers deposited in the cabinet of the R. I. Hist. Society.
10. United States laws, how distributed.

SECTION 1. The original acts, resolves and other proceedings of the general assembly, shall be deposited in the office of the secretary of state.

SEC. 2. The secretary shall, immediately after the close of each session of the general assembly, cause to be printed, as many copies as he may think necessary, of the proceedings thereof, with a suitable index thereto.

SEC. 3. He shall, as soon as may be after the publication of such copies, transmit to the governor, to the lieutenant-governor, to the attorney-general, to the general treasurer, to the state auditor, the commissioner of public schools, to each member of the senate and house of representatives, to each of the clerks thereof, to each of the justices of the supreme court, to the clerk of each court, to each sheriff, town clerk and town treasurer, to the adjutant-general, to the librarian of Brown University, to each of the cabinet keepers of the Rhode Island Historical Society, to the Providence Athenæum, to the Redwood Library, to any other chartered library in the state, that may apply therefor, to the Harvard Library, to the Astor Library, and to the Antiquarian Society of Worcester, one copy each; and to the Rhode Island Historical Society, thirty copies, for exchange for similar documents from other states; and shall reserve one copy for himself; which copies, except those of the governor and lieutenant-governor, of the members of the senate and house of representatives, and justices of the supreme court, shall be kept by the persons aforesaid, and be transmitted by them to their successors in office.

SEC. 4. The secretary shall, every two years, cause copies of the proceedings aforesaid of the preceding two years, to be bound into volumes; and shall transmit to the governor, to the general treas-

urer, to each of the clerks of the house of representatives, to each town clerk, one copy each; and to each of the clerks of the supreme court and court of common pleas, two copies each; to be preserved and transmitted to their successors in office; and he shall retain two copies for the use of the senate.

SEC. 5. The secretary shall, once in two years, cause to be published in pamphlets, with a proper index, all the public laws that may be hereafter passed, continuing the pages from the last page of this digest, and shall distribute the same as provided in the third section of this chapter, with the addition of four copies to the secretary of state of the United States, three copies to the executive departments of each state, three copies to the library of congress, one copy to the judge of the circuit court of the United States for the first circuit, and one copy to the judge of the district court for the Rhode Island district, and he shall retain the residue in his office.

SEC. 6. The governor may transmit to the executive departments of the several states, and of the United States, to our senators and representatives in congress, and to the agents of foreign countries in the United States authorized to make exchanges for the same, and to such persons and libraries as he may think proper, copies of all acts, resolutions, reports and other documents published by this state, or by the authority of any officer thereof.

SEC. 7. Any person who shall seasonably publish in some conspicuous place, to the satisfaction of the secretary, in a daily and semi-weekly, and all other newspapers published by him in this state, all the public acts and resolves, and all proclamations issued by the governor, and shall annually deliver to the cabinet keeper of the Rhode Island Historical Society for the northern district, a copy, half bound, of the series of newspapers so published by him, shall annually be paid therefor thirty dollars.

SEC. 8. Any person who shall publish as aforesaid, said acts, resolves and proclamations in a daily, semi-weekly or weekly newspaper published by him in this state, and shall annually deliver a copy, half bound, of the series so published, to said cabinet keeper, shall annually be paid therefor twenty-five dollars.

SEC. 9. The newspapers so deposited in the cabinet of the Historical Society, shall be considered the property of the state, and at all proper times shall be open to the inspection and examination of the citizens thereof.

SEC. 10. The copies of the laws of the United States, which may be hereafter transmitted for the use of this state, shall be distributed as follows: one copy to the secretary, one to the attorney-general, one to the general treasurer, one to each of the justices of the supreme court, one to each clerk of the supreme court and court of common pleas, and one to each town clerk, to be kept, and to be delivered over to their successors in office.

CHAPTER 4.

OF CERTAIN CIVIL OFFICERS ELECTED BY THE GENERAL ASSEMBLY.

SECTION
1. Election of senators of this state in the Congress of the United States.
2. When to be elected.
SECTION
3. Officers elected annually at the May session in grand committee.

SECTION 1. Senators of this state in the congress of the United States, shall be elected by the general assembly in grand committee, and not in separate houses. And such election shall be in the following manner: The name of each member of the grand committee shall be called aloud by the clerk, when such member shall hand in a ballot with the name of the person for whom he votes written thereon, and shall also respond aloud the name written upon his ballot; and the name of the member voting and of the person voted for by him for senator, shall be recorded.

SEC. 2. Except in cases provided for by the second paragraph of the third section of the first article of the constitution of the United States, senators of this state shall not be elected before the stated session of the general assembly, next preceding the expiration of the term of service of the senators for the time being.

SEC. 3. The officers hereinafter named, shall be elected annually at the May session of the general assembly in grand committee: —

State auditor.

Agent of the Providence and Pawtucket Turnpike.

Five railroad commissioners.

Five commissioners of shell fisheries.

Three commissioners of the Providence Washington Bridge.

One inspector of beef and pork.

One inspector of lime.

One inspector of scythe stones.

Three inspectors of ferries.

Clerks of the supreme court for each county.

Clerks of the court of common pleas for each county.

Sheriffs of the several counties.

So many public notaries for the several counties as the general assembly may deem expedient.

Three justices of the court of justices in the city of Newport.

Three justices of the court of magistrates in the city of Providence.

One presiding justice, and one clerk of the court of magistrates in Woonsocket.

So many justices of the peace for the several towns, as the general assembly may deem expedient.

CHAPTER 5.

OF THE TENURE AND OATH OF OFFICE OF CERTAIN OFFICERS.

SECTION
1. Officers of annual appointment, how long to officiate.
2. Justices of the peace and public notaries, how long to continue to officiate.
3. Same, how long without new oath.
4. Officers to be commissioned, and sworn.
5. Oath of clerks of courts.
6. Oath of warden, sheriffs and jailers.

SECTION 1. All officers annually appointed by the general assembly, except justices of the peace and public notaries, who shall not be reëlected or continued in office, at the annual general election, may continue to officiate until their successors are qualified to act; and all such officers, except justices of the peace and public notaries, continued in office at said general election to a subsequent session of the general assembly, may continue to officiate after such subsequent session, until their successors are qualified to act.

SEC. 2. Justices of the peace and public notaries, appointed by the general assembly, and justices of the peace elected by the towns, and not reëlected or continued in office, may continue to officiate for the space of thirty days after the last Tuesday in May in each year.

SEC. 3. All such officers who may be reëlected or continued in office, may continue to officiate for the same length of time without taking any new oath of office.

SEC. 4. Every officer chosen by the general assembly, justices of the peace chosen by the towns, and every military commissioned officer, shall be commissioned by the governor, and before he enters on the duties of his office, shall take an engagement before a senator, judge, justice of the peace, public notary or town clerk, if no special form of oath be prescribed, to support the constitution and laws of this state, and the constitution of the United States, and faithfully to discharge the duties of his office, which shall be certified upon his commission, by the person administering the engagement.

SEC. 5. Every clerk of the supreme court, court of common pleas, or courts of magistrates or justices, shall, before entering upon the duties of his office, take the following oath, viz.: I being appointed clerk of the supreme court, or court of common pleas for the county of or of the court of magistrates or justices for the town or village of (as the case may be,) do solemnly swear, (or affirm,) that I will support the constitution of the United States, and the constitution and laws of this state; that I will truly and faithfully enter and record all the orders, decrees, judgments and proceedings of the said court; and that I will faithfully and impartially discharge all the duties of my said office, according to the best of my abilities

and understanding, so help me God; (or, this affirmation I make and give upon the peril of the penalty of perjury).

SEC. 6. The warden of the state prison and every sheriff, deputy sheriff and jailer, including the keeper of the jail in the county of Providence, shall, before entering upon the duties of his office, take the following oath:—I do solemnly swear, (or affirm,) that I will faithfully execute all lawful processes issued under the authority of the State of Rhode Island and Providence Plantations, and to me directed and delivered, and true returns make: and in all things, well and truly, and without malice or partiality, perform the duties of the office of warden of the state prison, (or of sheriff of the county of or, deputy sheriff, jailer, or keeper of the jail in the county of Providence, as the case may be,) during my continuance in said office, and take my lawful fees or compensation, only; and I do further solemnly swear (or affirm) that I will support the constitution and laws of said state, and the constitution of the United States; so help me God—(or, this affirmation I make and give upon peril of the penalty of perjury).

CHAPTER 6.

OF THE CONSTRUCTION OF STATUTES.

SECTION		SECTION	
1.	Rules of construction, when to be applied.	10.	Oath, sworn, engaged.
2.	Genders.	11.	Month, year.
3.	Numbers.	12.	Computation of time.
4.	Authority of public officers.	13.	A justice of the peace.
5.	Person.	14.	Seal.
6.	Insane person.	15.	Act of incorporation deemed a public act.
7.	United States.	16.	Repeal, effect of, in civil cases.
8.	Town, town councils, town clerks, town sergeants.	17.	Repeal, effect of, in criminal cases.
9.	Land, lands, real estate.	18.	Repeal not to revive statutes repealed.
		19.	Statutes, when to take effect.

SECTION 1. In the construction of all statutes, the provisions of this chapter shall be observed, unless the observance of them would lead to a construction inconsistent with the manifest intent of the general assembly, or repugnant to some other part of the same statute.

SEC. 2. Every word importing the masculine gender only, may be construed to extend to and include females as well as males.

SEC. 3. Every word importing the singular number only, may be construed to extend to and include the plural number also; and every word importing the plural number only, may be construed to extend to and embrace the singular number also.

SEC. 4. All words purporting to give a joint authority to three

or more public officers, shall be construed as giving such authority to a majority of them, unless otherwise expressly declared.

SEC. 5. The word "person" may be construed to extend to and include bodies corporate and politic.

SEC. 6. The words "insane person" shall be construed to include every idiot, non compos, lunatic and distracted person.

SEC. 7. The words "United States" shall be construed to include the several states of this union, the District of Columbia, and the territories to the United States belonging.

SEC. 8. The word "town" may be construed to include all cities; the words "town councils" all boards of aldermen; the words "town clerks" all city clerks; and the words "town sergeants" all city sergeants.

SEC. 9. The word "land" or "lands," and the words "real estate," may be construed to include lands, tenements and hereditaments, and all rights thereto and interests therein.

SEC. 10. The word "oath" shall be construed to include affirmation; the word "sworn" to include affirmed; and the word "engaged" both sworn and affirmed.

SEC. 11. The words "month" and "year" shall be construed to mean a calendar month or year, unless otherwise expressed.

SEC. 12. When time is to be reckoned from any day, date, or act done, or the time of any act done, such day, date, or the day when such act is done, shall not be included in such computation.

SEC. 13. The words "a justice of the peace" may be construed to include a court exercising the jurisdiction of a justice of the peace.

SEC. 14. Whenever the seal of any court or public office is required to be affixed to any paper, the word "seal" shall be construed to include an impression of such official seal made upon the paper alone, as well as an impression made by means of wax, or a wafer affixed thereto.

SEC. 15. Every act of incorporation shall be so far deemed a public act, as that the same may be declared on and given in evidence, without specially pleading the same.

SEC. 16. The repeal of any statute shall in no case affect any act done, or any right accrued, acquired or established, or any suit or proceeding had or commenced in any civil case, before the time when said repeal shall take effect.

SEC. 17. No suit, prosecution or indictment, pending at the time of the repeal of any statute for any offence committed, or for the recovery of any fine, forfeiture or penalty incurred under the statute so repealed, shall in any case be affected by such repeal.

SEC. 18. The repeal of any statute, shall not be construed to revive any other statute which has been repealed.

SEC. 19. Every statute which does not expressly prescribe the time when it shall go into operation, shall take effect on the tenth day next after the rising of the general assembly, at the session thereof in which the same shall be passed.

TITLE II.

Of the Jurisdiction and Civil Divisions of the State.

CHAPTER 7. Of the jurisdiction of the state, and of land ceded to the United States.
CHAPTER 8. Of counties.
CHAPTER 9. Of towns.

CHAPTER 7.

OF THE JURISDICTION OF THE STATE, AND OF LAND CEDED TO THE UNITED STATES.

SECTION 1. Jurisdiction of the state.
SECTION 2. Places ceded to the United States, and subject to concurrent jurisdiction.

SECTION 1. The jurisdiction of the state shall extend to, and embrace all places within the boundaries thereof, subject only to such rights of concurrent jurisdiction as have been or may be granted over any places ceded by the state to the United States.

SEC. 2. The several places hereinafter named, which have been ceded to the United States, or purchased by them, and over which, concurrent jurisdiction has been granted to the United States, shall continue to be subject to such concurrent jurisdiction, according to the several acts which have been passed in relation thereto, that is to say: —

A tract of land in Jamestown, ceded in 1793;

A tract of land at Watch Hill Point, in the town of Westerly;

A tract of land at Point Judith, in the town of South Kingstown;

A tract of land near the south end of the island of Conanicut;

A tract of land on Goat Island, in the harbor of Newport.

An island called Castle Island, at the entrance of Bristol harbor;

A tract of land on Poplar Point, in the town of North Kingstown;

A tract of land at the north-west point of Block Island;

A tract of land at Nayatt Point, in the town of Barrington;

A tract of land on Dutch Island;

A tract of land on Warwick Neck, in the town of Warwick;

A tract of land on Brenton's Neck, in the city of Newport;
A tract of land on the island of Prudence, in the town of Portsmouth;
A certain place in the harbor of Newport, known as Lime Rock;
A lot of land in the city of Providence, purchased for the erection of a custom-house, post-office, and court rooms;
A lot of land at Bristol Ferry, in the town of Bristol;
And a lot of land in the town of Bristol, purchased for the erection of a custom-house and post-office.
Any lot of land not exceeding ten acres in the town of New Shoreham, purchased by the United States for the site for a light-house.

CHAPTER 8.

OF COUNTIES.

SECTION	SECTION
1. Newport.	4. Bristol.
2. Providence.	5. Kent.
3. Washington.	6. Narragansett Bay, in what county.

SECTION 1. The city of Newport, and the towns of Portsmouth, Jamestown, New Shoreham, Middletown, Little Compton, Tiverton and Fall River, shall constitute the county of Newport; and Newport shall be the county town.

SEC. 2. The city of Providence, and the towns of Smithfield, Scituate, Glocester, Cumberland, Cranston, Johnston, North Providence, Foster and Burrillville, shall constitute the county of Providence; and Providence shall be the county town.

SEC. 3. The towns of South Kingstown, North Kingstown, Westerly, Charlestown, Exeter, Richmond and Hopkinton, shall constitute the county of Washington; and South Kingstown shall be the county town.

SEC. 4. The towns of Bristol, Warren and Barrington, shall constitute the county of Bristol; and Bristol shall be the county town.

SEC. 5. The towns of East Greenwich, Warwick, West Greenwich and Coventry, shall constitute the county of Kent; and East Greenwich shall be the county town.

SEC. 6. All the waters of Narragansett Bay, and the lands and rocks therein, situated to the northward of a line drawn from the mouth of Pawtuxet River to Sabin's Point, shall be deemed a part of the county of Providence, and be within the jurisdiction of said county; and all the other waters of the said bay, shall not be deemed to make part, or be within the sole jurisdiction of any one particular county.

CHAPTER 9.

OF TOWNS.

SECTION 1. Boundaries of towns to remain as now established.

SECTION 1. The extent and boundaries of the several cities and towns in this state, shall remain as now established by the several acts which have been passed in relation to the same.

TITLE III.

Of the Property and Revenue of the State.

CHAPTER 10. Of public buildings.
CHAPTER 11. Of the state library.
CHAPTER 12. Of the revenue of the state.
CHAPTER 13. Of the permanent school fund.
CHAPTER 14. Of the deposit fund.
CHAPTER 15. Of the Providence and Pawtucket turnpike-road.

CHAPTER 10.

OF PUBLIC BUILDINGS.

SECTION
1. State houses and court houses in charge of the sheriffs.
2. State arsenal in Providence in charge of quartermaster-general.
SECTION
3. State prison and jail in Providence in charge of inspectors, and jails in other counties in charge of the sheriffs.

SECTION 1. The state houses and court houses in the several counties shall be in the charge of the sheriffs, who shall, in their respective counties, keep the same at all times in a suitable condition for the use of the general assembly, and the courts holding their sessions therein, and, from time to time, report to the general assembly what repairs and alterations are necessary to be made to the same.

SEC. 2. The state arsenal in the city of Providence shall remain

in the charge of the quartermaster-general, who shall, from time to time, report to the general assembly what repairs thereto, are necessary.

SEC. 3. The state prison and the jail in the county of Providence, shall be in the charge of the inspectors of the state prison, and the jails in the other counties shall be in the charge of the sheriffs thereof, who shall, from time to time, report to the general assembly what repairs and expenditures are required to be made, for the safe-keeping of the persons confined therein.

CHAPTER 11.

OF THE STATE LIBRARY.

SECTION
1. State library in the care of the secretary of state.
2. Annual appropriation for the library.
3. To be expended under the direction of the governor and secretary.
4. Report of the condition of the library to be made.

SECTION 1. The secretary of state shall have the care of the state library, and shall receive and preserve therein, all books and documents that may be sent to or purchased for the same.

SEC. 2. The sum of two hundred dollars is hereby annually appropriated for the purchase of books for the state library.

SEC. 3. The said sum shall be expended for the purpose aforesaid, under the direction of the governor and secretary of state, and in the selection of books, care shall be taken to procure such as have an important bearing upon the business and objects of legislation.

SEC. 4. The secretary shall annually, at the May session, make a report to the general assembly of the books purchased during the year, and of the condition of the library.

CHAPTER 12.

OF THE REVENUE OF THE STATE.

SECTION
1. Ratable property of the towns to be assessed, and a tax thereon annually paid.
2. Valuation of the ratable property of each town.
3. Banks to pay a tax on capital stock, and surplus of reserved profits.
4. Insurance companies incorporated by this state to pay a tax.
5. Mutual insurance companies incorporated by this state to pay a tax.

SECTION
6. Bank or insurance company neglecting to pay; how collected.
7. Same subject.
8. Tax on civil commissions.
9. Clerks of courts to pay percentage on fees.
10. Attorneys to pay admission fee.
11. Other sources of revenue.

SECTION 1. A tax of five cents on each hundred dollars, of the valuation of the ratable property of the several towns, as hereinafter set forth, shall be annually assessed, collected and paid by the several towns to the general treasurer, on or before the first day of January, in each year.

SEC. 2. The following valuation of the several towns shall be the basis of the tax provided for in the preceding section:

Newport — Eight million, eight hundred and thirty-eight thousand, and eight hundred dollars.

Providence — Fifty-six million, two hundred and forty-three thousand, and five hundred dollars.

Portsmouth — One million, one hundred and ninety-five thousand, five hundred and six dollars.

Warwick — Three million, three hundred and eleven thousand, and nine hundred dollars.

Westerly — One million, two hundred and forty-four thousand, and two hundred dollars.

New Shoreham — One hundred and eighty-two thousand, three hundred and fifty-six dollars.

North Kingstown — One million, three hundred and sixty-four thousand, three hundred and fifteen dollars.

South Kingstown — One million, nine hundred and thirty-nine thousand, one hundred and seventy-eight dollars.

East Greenwich — Eight hundred and thirty-eight thousand, two hundred and seventy-five dollars.

Jamestown — Two hundred and thirty-five thousand and ninety-nine dollars.

Smithfield — Five million, one hundred and fifty thousand, six hundred and forty-six dollars.

Scituate — One million, three hundred and eighty-two thousand and six hundred dollars.

Glocester — Eight hundred and fifty-four thousand, three hundred and eleven dollars.

Charlestown — Two hundred and sixty-five thousand, four hundred and fifty-two dollars.

West Greenwich — Three hundred and sixty-two thousand, three hundred and fifty-five dollars.

Coventry — One million, six hundred and fifty-six thousand and one hundred dollars.

Exeter — Four hundred and forty-five thousand and forty-five dollars.

Middletown — Seven hundred and ninety-five thousand, eight hundred and twenty-two dollars.

Bristol — Three million, eighty-seven thousand and six hundred dollars.

Tiverton — One million, seventy-six thousand, seven hundred and ninety-five dollars.

Little Compton — Eight hundred and eight thousand, nine hundred and forty-five dollars.

Warren — Two million, one hundred and ninety-two thousand, six hundred and fifty dollars.

Cumberland — Three million, six hundred and nine thousand and seven hundred dollars.

Richmond — Five hundred and ninety-eight thousand, two hundred and six dollars.

Cranston — Two million, nine hundred and twenty-six thousand, three hundred and fifty dollars.

Hopkinton — Five hundred and forty-six thousand, one hundred dollars.

Johnston — One million, one hundred and two thousand, seven hundred and sixteen dollars.

North Providence — Five million, five hundred and ninety-four thousand and five hundred dollars.

Barrington — Four hundred and fifty-nine thousand, six hundred and forty-three dollars.

Foster — Four hundred and nineteen thousand, five hundred and twenty dollars.

Burrillville — One million, two hundred and fifty thousand, nine hundred and sixty-four dollars.

Fall River — One million, one hundred and forty thousand, seven hundred and fifty-five dollars.

SEC. 3. Every bank in the state, shall annually pay to the general treasurer, thirty-three cents on each and every hundred dollars of its capital stock actually paid in, and on each and every hundred dollars of its surplus of reserved profits exceeding four per cent. on the amount of its capital stock; one half part thereof on the first Monday of June, and the other half part thereof on the first Monday of December.

SEC. 4. Every insurance company incorporated and doing business in this state, except mutual insurance companies and life insurance companies, shall, on the first Monday of June in each and every year, pay to the general treasurer, the sum of three hundred dollars.

SEC. 5. Every mutual insurance company incorporated by, and which has been transacting business for three years or upwards, in this state, shall, on the first Monday of June in each and every year, pay to the general treasurer, the sum of two hundred dollars.

SEC. 6. If any bank or insurance company shall neglect, for the space of thirty days, to pay the duty imposed on banks and insurance companies by this chapter, the general treasurer shall issue his warrant of distress against the same, directed to the sheriff or his deputy, of the county in which such bank or insurance company is located, for the amount of such duty, commanding him in the name of the state, to collect of said delinquent said amount, with interest thereon from the time the same was payable to the time of its actual receipt by such officer, with his lawful fees; and to

make return thereof, within ninety days from the date of the same.

SEC. 7. The officer who shall be charged with the service of such warrant, shall levy and collect the sum therein named, by attachment and seizure of the real and personal estate of the bank or insurance company against which the same has been issued; and shall sell the property so attached and seized, at public auction, giving ninety days previous notice thereof, by two advertisements posted up in the town in which such bank or insurance company is located; and a deed of such estate made by such officer, shall vest in the purchaser all the right, title and interest said bank or insurance company had therein at the time of the attachment and seizure thereof.

SEC. 8. Every person accepting a civil commission under the state, shall, at the time of receiving such commission, pay to the officer delivering the same, one dollar.

SEC. 9. The clerks of the supreme court, and of the court of common pleas, excepting the clerk of the supreme court, and of the court of common pleas, for the county of Providence, shall severally pay to the general treasurer, forty per cent. on all fees received by them over four hundred dollars.

SEC. 10. Every person who shall be admitted and sworn as a counsellor or attorney in the courts of the state, shall, at his admission, pay to the clerk of the supreme court, in the county where he shall apply to be admitted, twenty dollars, to be by such clerk paid over to the general treasurer.

SEC. 11. The state shall receive the dividends and interest on the deposit fund, dividends on the permanent school fund, the income from the Providence and Pawtucket Turnpike, the avails of the several courts, justices of the peace, and town councils, the tax on insurance companies, not incorporated by this state, auctioneers and pedlars, the rent from oyster lots, and revenue from such other sources as is or may be by law provided.

CHAPTER 13.

OF THE PERMANENT SCHOOL FUND.

SECTION
1. General treasurer to regulate the custody of, and to keep the school fund invested.
2. Money paid to the state by auctioneers to be added to the school fund.
3. Money appropriated by the state for public schools and forfeited by any town, to be added to the school fund.
4. Additions to said fund to be invested.
5. Income of the fund to be appropriated for the support of public schools.

SECTION 1. The general treasurer, with the advice of the governor, shall have full power to regulate the custody and safe-keeping of the fund now constituting the permanent fund for the support of

public schools, and to keep the same securely invested in the capital stock of some safe and responsible bank or banks within this state.

SEC. 2. The money that shall be paid into the state treasury by auctioneers for duties accruing to the use of the state, is hereby appropriated, and the same shall annually be added to said school fund, for the permanent increase thereof.

SEC. 3. Whenever any money appropriated to any town from the state treasury, for the support of public schools therein, shall have been forfeited by such town, the same shall be added to said school fund, and shall forever remain a part thereof.

SEC. 4. The general treasurer, with the advice of the governor, shall, from time to time, securely invest all sums of money hereby directed to be added to said fund, in the capital stock of some safe and responsible bank or banks within this state.

SEC. 5. The income arising from said fund so invested, shall annually be appropriated for the support of public schools in the several towns.

CHAPTER 14.

OF THE DEPOSIT FUND.

SECTION
1. Commissioners of the fund received from the United States.
2. Commissioners may loan to the towns; may invest in bank stock, or in bonds of city of Providence.
3. Bond to be given by the town treasurer, in case of loan to the town.
4. Income to be applied to the support of public schools.

SECTION 1. The governor, secretary of state and general treasurer are constituted commissioners of the fund received by this state from the United States by virtue of an act of congress, approved June 23, 1836, with full power to regulate the custody and safe-keeping thereof, according to law.

SEC. 2. The said commissioners may loan, as hereinafter provided, to any town in this state, such portion of said fund as such town would be entitled to receive, according to the ratio of the population of such town under the age of fifteen years, to the whole population of the state, according to the census of the United States next preceding such loan; or they may invest any portion of said fund in the capital stock of some safe and responsible bank or banks within this state, or in bonds of the city of Providence.

SEC. 3. In case the commissioners shall loan any portion of said fund to any town as aforesaid, the treasurer of such town shall give bond to the commissioners, with condition to pay interest, on the second Monday in April, on the amount received, at the rate of not less than five per cent. per annum; to pay the whole or such part of the sum loaned as may be required by the com-

missioners for the purpose of repayment to the United States, when the same shall be demanded; to pay the whole, or such part thereof as shall be required by the general assembly, and when so required; and to apply the money so received for the purposes of education exclusively.

SEC. 4. The income accruing to the state from said fund shall be set apart, and shall annually be applied to the support of public schools in the several towns.

CHAPTER 15.

OF THE PROVIDENCE AND PAWTUCKET TURNPIKE-ROAD.

SECTION
1. Road to be under the charge of the agent.
2. Assistants may be employed and paid.
3. Road and buildings to be kept in repair.
4. Tolls to be collected, and paid to general treasurer.
5. Lanterns to be provided.
6. Obstructions to be removed.

SECTION
7. Rate of tolls.
8. Commutation of tolls.
9. Same subject.
10. Penalty for injuring road.
11. Same subject.
12. Same subject.
13. Penalty for forcibly passing toll-gate.
14. Suits and prosecutions.

SECTION 1. The agent of the Providence and Pawtucket Turnpike-road shall have the charge and oversight of the same, and of all the business thereof.

SEC. 2. He shall employ and pay such persons as may be necessary to assist him in the discharge of his duties.

SEC. 3. He shall keep the road, and the buildings belonging to the same, in repair, and may cause the road to be sprinkled when necessary.

SEC. 4. He shall collect the tolls for passing on the road, and shall keep correct and perfect accounts of the toll of all persons travelling or using the road, and of all sums of money paid for the use of the same, and shall pay over the income thereof to the general treasurer, quarterly.

SEC. 5. He shall keep at suitable points along the line of the road proper lanterns, not exceeding eight in number, and provide gas for the same at the expense of the state.

SEC. 6. He shall cause to be removed all obstructions on the road occasioned by the erection of steps or cellar doors which project more than fifteen inches upon the road.

SEC. 7. The following tolls shall be exacted and received at the gate established on said road for passing the same, that is to say: for every stage, omnibus or hack, if drawn by two or more horses, six cents; — for every chaise, chair, sulkey, curricle, buggy, carryall or other pleasure carriage drawn by one or two horses, four cents —

if by more than two horses, six cents — for every team consisting of two or more cattle, whatever may be the loading, six cents — if empty, four cents — for every cart, wagon or truck, drawn by one horse, three cents — for every person and horse, two cents — for every sleigh drawn by one horse, two cents — if by two horses, three cents — if by more than two, four cents — for every sled drawn by one horse, two cents — if by more than one horse, or by oxen, three cents — for horses, mules and neat cattle, in droves, half a cent per head — and for sheep and swine, in droves, three cents per dozen.

SEC. 8. The agent of said road shall make a deduction of ten per cent. on the tolls of each person or company whose tolls at the stated rates would amount to not less than ten dollars yearly, and not more than one hundred dollars; and a deduction of twenty per cent. in all cases in which the tolls at the stated rates would amount to one hundred dollars or more yearly; and may make a contract at a yearly sum of not less than five hundred dollars, with any person or company who will pay that sum for his or their yearly bills.

SEC. 9. He may commute the tolls on said road to such extent and in such manner as he may deem not prejudicial to the interests of the state, to all persons residing within three fourths of a mile of the gate on said road.

SEC. 10. If any person shall pull down or in any way injure the gate or buildings erected upon or belonging to said road, or the appurtenances thereof, or shall in any manner obstruct the free passage of persons travelling over or using said road, or otherwise injure said road, such person shall be fined not exceeding six hundred dollars, or be imprisoned not exceeding six months; and shall also be liable to pay to such agent, to the use of the state, double the amount of the damage actually done, to be recovered in an action therefor.

SEC. 11. Any person who shall cut down, or otherwise injure any tree or fence on said road, or alter, divert or obstruct any watercourse running, either over or under said road, or take up or alter any pavement, gutter, curb-stone or side-walk, or injure any lantern, post, gas pipe or fixtures, connected therewith, or remove or alter any bound-stone of said road, shall on complaint of the agent of said road, be fined not exceeding twenty dollars, nor less than five dollars.

SEC. 12. Any person who shall throw or deposit ashes or any filthy matter, or cause the same to be thrown or deposited on any part of said road, or cause any drain to be carried into or emptied upon said road, shall, on complaint of the agent of said road, be fined not exceeding twenty dollars, nor less than five dollars.

SEC. 13. Any person who shall forcibly pass, or shall attempt forcibly to pass, the toll-gate located and established on the said road, with any team, carriage, or other vehicle, without having first paid the legal toll due thereon for passing said gate with such team, carriage, or other vehicle, to the collector of tolls or his agent, being there and demanding the same, shall, in addition to all lia-

bilities and penalties for such offence already established by law, on complaint of the agent of said road, be fined not exceeding twenty dollars, nor less than ten dollars.

SEC. 14. The agent of said road shall sue for all sums of money which are, or may become due to the state for tolls or commutation of tolls on said road; and he shall prosecute for the violation of any of the provisions of this chapter, but shall not be required to give bond for the payment of costs.

TITLE IV.

Of the State Treasury, and of the Officers thereof.

CHAPTER 16. Of the general treasurer.
CHAPTER 17. Of the state auditor, and of returns to him.

CHAPTER 16.

OF THE GENERAL TREASURER.

SECTION
1. General treasurer to give bond.
2. To keep evidences of property, and collect dividends.
3. To receive and disburse funds of the state.
4. To deposit funds in bank.
5. To keep accounts of money received and paid.
6. Payments from the treasury, how to be made.
7. Report of receipts and expenditures to be made to the general assembly.
8. Tabular statement to accompany report.
9. Moneys received to be stated under appropriate heads.
10. Receipts and expenditures on account of school, deposit and Touro funds.
11. General treasurer to report all sums due under the revenue laws.
12. To present estimates of receipts and expenditures for fiscal year.
13. To report delinquencies to the attorney-general.

SECTION 1. The general treasurer shall, previous to entering upon the duties of his office, give bond to the state, with sufficient sureties, to the satisfaction of the governor, in the sum of forty thousand dollars, for the true and faithful discharge of the duties of his said office, which bond shall be deposited with, and kept by the secretary of state.

SEC. 2. He shall be the keeper of all the certificates of stocks, notes and other evidences of property belonging to the permanent

school fund, the deposit fund, Touro fund, and of all other property belonging to the state, or held by the state in trust; and he shall collect the dividends, interest and income arising therefrom, and shall dispose of the same according to law.

SEC. 3. All moneys due to the state, shall be paid to the general treasurer, who shall be responsible for the safe-keeping and proper disbursement thereof, according to law.

SEC. 4. He shall deposit, subject to his order, for the use of the state, all the funds of the state received by him, in such safe and responsible bank, either in Newport or Providence, as will give the greatest rate of interest therefor.

SEC. 5. He shall keep a fair and correct account of all sums of money received into and paid from the treasury during the year.

SEC. 6. He shall pay no money out of the treasury on any account, claim or order, appropriation or certificate, unless the same shall have been first audited and signed or countersigned by the state auditor; and the general treasurer is authorized to pay the orders drawn or countersigned, according to law, by the state auditor.

SEC. 7. He shall present to the general assembly, at their May session, in every year, a particular account of receipts and expenditures of public money, from what sources the state revenue shall have been derived, and what amount thereof from each source, and what amount from each town, and the citizens and corporations thereof, and on what account; putting the towns and citizens and corporations thereof in each county, by themselves; and he shall also state how, and for what purposes, the money in the state treasury shall have been applied and expended, and what amount in each county, and for what purposes; and such accounts shall be made up to the thirtieth day of April in each year, and shall contain a statement of the condition of the state treasury on said day, and also a general summary of receipts, expenditures and balances, transferred and on hand, during the preceding year.

SEC. 8. He shall make a tabular statement to accompany his annual report, in which he shall classify the expenditures of the state under the following heads, as nearly as may be: *A.* Salaries. *B.* Pay of members of the general assembly. *C.* Expenses of general assembly, including pay of officers. *D.* Courts, specifying the amount paid in each of the courts for the following purposes: 1. Attorney-general; 2. Jurors; 3. Witnesses; 4. Clerks; 5. Officers; 6. Other costs, waiters and incidental expenses. *E.* Orders of the governor. *F.* Printing laws and schedules, and all printing ordered by the general assembly. *G.* Support of state prison. *H.* Accounts allowed and paid out of money appropriated by the general assembly for the following purposes: 1. Repairs, furniture and enlargement of the state prison; 2. do. of court houses; 3. do. of jails; 4. do. of bridges; 5. do. of other public works; 6. Expenses incurred by or on account of any bank and railroad commissioners; 7. Boundary lawsuit; 8. Schools, including the normal school and teachers' institute and Providence reform school; 9. Amounts paid to the Butler hospital for the insane, and for support and edu-

cation of deaf, dumb, idiotic and blind persons; 10. Accounts allowed to jailers; 11. To justices; 12. To witnesses; 13. To officers for services in criminal cases; 14. Militia and military affairs; 15. Indian tribe; 16. Miscellaneous.

SEC. 9. In the account of moneys received from the different courts, he shall state separately the amounts received from the following sources: 1. Entries; 2. Jury fees; 3. Other costs; 4. Taxes on clerks' fees; 5. Fines; 6. Miscellaneous; and he shall also state the amounts of revenue received from all other sources, under appropriate heads.

SEC. 10. He shall also report at every May session, the receipts and expenditures on account of the permanent school fund, deposit fund and Touro fund, under appropriate heads, together with the state and amount of said funds, and how the same are invested. He shall also in his annual report, state any other expenses particularly, under such heads as he may deem necessary for the better information of the general assembly.

SEC. 11. He shall connect with his annual report, a report of all such sums of money as within his knowledge shall be due to the state from any person, corporation or town, by virtue of any of the revenue laws; and what amount from each; and also report all such breaches or want of enforcement of the license, or any other of the revenue laws of the state, by any person or town, as shall come to his knowledge, or as may in his opinion exist, whereby the state may be defrauded of any of its revenue.

SEC. 12. He shall present to the general assembly, at its May session, a detailed estimate of the expenditures to be made from the treasury for the ensuing fiscal year, specifying therein, each object of expenditure under the heads named in the eighth section of this chapter; and distinguishing between such as are or may be provided for by permanent and by temporary appropriations, and such as will be required to be provided for by law, and as near as may be, the times when such payments will be made; also a statement showing the means and resources from which such expenditures are to be defrayed, and as near as may be the period in the year when such means and resources will become available, and be paid into the treasury; and in case of any probable deficiency in the revenue to meet the expenditures, from any cause during the last six months of the fiscal year, he shall also make a like report to the general assembly at its adjourned session in Providence.

SEC. 13. The general treasurer shall report to the attorney-general, any person or town which neglects to pay, at the times required by law, any sum of money due to the state, and the attorney-general shall prosecute any such delinquent according to law.

CHAPTER 17.

OF THE STATE AUDITOR, AND OF RETURNS TO HIM.

SECTION
1. Auditor to give bond.
2. Office, where kept.
3. Auditor to examine claims against the State.
4. Claims disallowed.
5. Clerks of courts to transmit to the auditor accounts allowed by courts.
6. Pay of jurors.
7. Pay of members of general assembly.
8. Repairs on public buildings, &c., payments for, how and when to be made.
9. Resolutions appropriating money from the treasury to be certified to the auditor.
10. Orders for payment of money to be drawn or countersigned by auditor.
11. Auditor to examine and settle accounts.
12. To require payment of balances.
13. Clerks of courts, how and when to account.
14. Clerks of courts, county of Providence, how and when to account.
15. Officers receiving taxes on commissions to account therefor.

SECTION
16. Officers receiving fines and costs to account.
17. Justices of the peace and wardens to account for fines, &c.
18. Penalty for neglect.
19. Costs in criminal cases, when and to whom to be paid.
20. Payments due from persons required to account, when and to whom to be made.
21. Auditor may administer oaths.
22. To have access to books and papers.
23. To keep accounts of expenditures and disbursements.
24. To keep an account with the general treasurer.
25. To examine books and accounts of the general treasurer, and report.
26. To furnish forms of accounts and returns.
27. Penalty for neglects.
28. Auditor to report delinquencies.
29. Delinquents to be prosecuted.

SECTION 1. There shall be an officer of the state treasury, who shall be styled the state auditor, who shall, previous to entering upon the duties of his office, give bond to the state, with sufficient sureties to the satisfaction of the governor, in the sum of ten thousand dollars, for the true and faithful performance of the duties of his said office, which bond shall be deposited with, and kept by, the secretary of state.

SEC. 2. He shall keep his office in the city of Providence.

SEC. 3. He shall examine, adjust and determine all accounts and claims against the state, for the payment of which, provision shall have been made by law, and by appropriations made therefor, and certify to the general treasurer the amount due and allowed by him on every such account or claim, the head of expenditures to which the same is to be charged, and the law authorizing the payment thereof, and the law making appropriation therefor, and all such accounts so certified, shall, for each year, be regularly and successively numbered and recorded by the auditor in a book kept for that purpose.

SEC. 4. Whenever any claim or account shall be disallowed by

the auditor, he shall state upon, or annex to, such account or claim, his reasons for disallowing the same, and shall also keep a record thereof, or at least of the date, the amount, the name of the person presenting it, the nature or purport of the same, and of his reasons for disallowing it, in a book to be kept for that purpose.

SEC. 5. Any account allowed by the supreme court, or court of common pleas, and any certificate allowed for any attendance in any such court in cases provided by law, except the attendance of officers in the county of Providence, shall, within twenty days after the close of any term thereof, and any account or bill of costs, with the items thereof, allowed by any court of magistrates or of justices, or by the supreme court or court of common pleas in the county of Providence, for attendance of officers, shall, at the end of every month, be transmitted by the clerks of such courts respectively to the auditor, and such account, certificate or bill of costs, shall state the name of the person to whom such allowances have been made, the amount thereof, and for what the same has been allowed.

SEC. 6. The auditor, upon a statement exhibited to him by any clerk of the supreme court or court of common pleas, approved by one of the justices thereof, may draw an order on the general treasurer in favor of such clerk for a sum sufficient to pay the jurors for their travel and attendance at any term of such court, which sum shall be accounted for by such clerk at the time of transmitting to the auditor the accounts named in the preceding section.

SEC. 7. The secretary of state and the clerks of the house of representatives shall, at the close of each session of the general assembly, prepare statements of the amounts to which the members of each house are severally entitled for their pay and mileage, and shall transmit the same to the auditor, who shall draw orders on the general treasurer for the payment thereof, in favor of each member, and the auditor is hereby required to attend each session of the general assembly, at the close thereof, for such purpose.

SEC. 8. Whenever the general assembly shall make any appropriation for the erection or repair of any public building, any armory of any military company, or any appropriation for any specified work to be done and performed, the auditor shall require satisfactory proof that the work specified in such appropriation has been faithfully done, according to the terms of such appropriation, before the money appropriated for the purpose shall be drawn from the state treasury; or if the appropriation contemplates that portions of the money appropriated shall be drawn as the work progresses, the money shall be drawn only in proportion to the amount of the work done, or advanced upon such security as the auditor may require that it shall be applied to said work.

SEC. 9. Immediately after the passage of any act or resolution by the general assembly, making appropriations out of the state treasury, the secretary of state shall transmit a copy of the same to the auditor.

SEC. 10. All orders for the payment of money out of the state

treasury shall be drawn by the auditor, except in those cases in which orders for appropriations made are authorized by law to be drawn by other officers, and in all such cases the orders so drawn by such other officers, shall be countersigned by the auditor before the money shall be paid thereon out of the state treasury.

SEC. 11. The auditor shall examine and settle all accounts between the state and clerks of courts, sheriffs, jailers, justices of the peace, town councils, town treasurers and licensed persons from whom an account is by law required, and all other persons indebted to the state, or who may receive money belonging to the state.

SEC. 12. He shall require the payment of all balances due from such persons into the treasury; and for the purpose of making such settlements, he shall have power to require the production of such documentary and other evidence by the accounting party as he may think proper.

SEC. 13. Each of the clerks of the supreme court and court of common pleas, except as hereinafter provided, shall, within twenty days after the rising of the court of which he is clerk, at every term thereof, render a true and particular account to the state auditor, of all fines, penalties and forfeitures imposed or declared forfeit, and of all recognizances defaulted, and of all judgments rendered in favor of the state, or of any officer for the benefit of the state at that term of said court; also copies of all bills of costs taxed in criminal prosecutions, or in any other case in which the state or the general treasurer may be a party; also copies of all allowances for extraordinary and incidental services and expenses; and also of all moneys belonging to the state, received by him from any source whatever, which account shall be accompanied by a certificate from some one of the justices of said court, verifying the same, and specifying therein the number of cases tried or opened to the jury, and the amount of fines imposed by said courts for non-attendance of jurors; and clerks of courts of magistrates and courts of justices shall, as often as once in three months, render a like account to the state auditor.

SEC. 14. The clerks of the supreme court and court of common pleas in the county of Providence, shall continue to receive and collect all the fees now required by law to be paid to them by other parties than the state, in all civil and criminal cases, and shall render an account thereof to the state auditor once in three months; and if on the settlement of said accounts, the amount of fees which either of said clerks shall have received, or which he should have collected and received in said quarter, shall not exceed the fourth part of his salary, the auditor shall give an order on the general treasurer for the amount of such deficiency in payment of such quarter's salary; and if the amount received by either of said clerks, or which he should have collected and received in said quarter, shall exceed the amount of his quarter's salary, the said clerk shall pay such excess into the state treasury.

SEC. 15. The secretary of state shall, annually, and on or before the first Monday of January in each year, report to the auditor the

number of commissions to officers issued by him upon which a tax is imposed, and he shall report and account to the auditor for the amount of taxes thereon received by him, and all sheriffs and other officers receiving such commissions and the taxes thereon, shall account to the auditor therefor.

SEC. 16. Sheriffs, deputy sheriffs, jailers and other persons, except clerks of courts and justices of the peace, recovering fines, penalties and forfeitures accruing or belonging to the state, or costs due or payable into the state treasury, shall, as often as twice in each year, account to the auditor for the same.

SEC. 17. Each and every justice of the peace and warden, whether elected by the general assembly or by any town, except in cities, towns and districts where exclusive civil and criminal jurisdiction has been or may be given to courts of magistrates or other courts, shall annually, and on or before the thirtieth day of April in each year, make return in writing to the auditor, whether he has collected any fines due the state during the preceding year, and the amount and circumstances of such fines, if any, by him collected; and shall therewith return an abstract of his docket or record, showing the amount of fines by him imposed, and copies of the bills of costs on all complaints and warrants made, brought or tried before him; and shall also make return as aforesaid of any penalties or costs in any civil or criminal suit or process due the state, which have been in his hands more than one year before said day, and the amount and circumstances of such penalties and costs.

SEC. 18. Each and every justice of the peace and warden who neglects to make return and pay over such fines, penalties and costs as aforesaid, shall, in addition to his liability to an action for the recovery thereof, as herein provided, be fined twenty-five dollars.

SEC. 19. All costs received by the clerk of any court, or any justice of the peace, or other officer or person, which may be paid by defendants or others in criminal prosecutions, may be paid out to the persons or officers entitled to the same, by the clerks of said courts, within twenty days after the rising of the courts at the terms when the same shall have been received, and by justices of the peace and other officers until the times appointed for the rendering of their accounts to the auditor as required by this chapter; and all sums so received and paid out by said officers shall be accounted for to said auditor.

SEC. 20. All officers and persons required by the provisions of this chapter to account to the auditor, shall, immediately upon the settlement of such account, pay over the amounts due to the general treasurer.

SEC. 21. Whenever any account shall be presented to the auditor for adjustment, he may require the person presenting the same and any other person to be sworn before him touching such account, and when so sworn, to answer orally or in writing as to any *facts* relating to the truth and justness of the account; and the auditor is hereby authorized to administer such oath.

SEC. 22. The auditor shall, for the purpose of enabling him fully to discharge the duties required of him by this chapter, have access to any books and papers in the offices of the secretary of state, general treasurer, the clerks of the several courts, the town treasurers in the several towns, and of the justices of the peace, and of the courts of magistrates or justices in the state.

SEC. 23. He shall keep fair, clear and distinct accounts under appropriate heads, of all the expenditures and disbursements made in pursuance of the provisions of this chapter.

SEC. 24. He shall keep an account with the general treasurer, and credit him with all the amounts paid on the orders drawn or countersigned by said auditor, so that the books and accounts of the auditor shall show all the expenditures and disbursements of moneys appropriated by the general assembly.

SEC. 25. He shall, twice in each year, carefully examine the books and accounts of the general treasurer, his vouchers for the charges thereon, and the moneys or funds on hand in the state treasury, and at the May session of the general assembly, and at the adjourned session at Providence, report the result of such examination, specifying the kind and amount of funds particularly, and such other facts and recommendations in relation to the same, and in relation to the expenditures of the state, as he may deem it important to the public interest to communicate.

SEC. 26. He shall furnish the clerks of said courts, justices of the peace and other officers required by this chapter to account to him, with such forms of accounts and returns as he shall think proper and convenient; and the said clerks, justices and other officers shall make return to the auditor according to law, agreeably to such forms by him prescribed.

SEC. 27. If any clerk, officer or other person shall neglect or refuse to account to the auditor as herein required, or shall neglect or refuse to pay into the state treasury any costs or moneys belonging to the state, at the time when the same ought to be paid, the person so offending shall forfeit treble the value or amount of the costs or other moneys so withheld or not paid, to be recovered by action of debt, to be commenced in the name of the general treasurer, for the use of the state.

SEC. 28. The auditor shall report all cases of delinquency under this chapter to the attorney-general.

SEC. 29. It shall be the duty of the attorney-general to cause prosecution to be commenced for all neglects of the duties imposed by the provisions of this chapter, whenever the same shall be brought to his knowledge.

TITLE V.

Of certain State Officers.

CHAPTER 18. Of the governor.
CHAPTER 19. Of the secretary of state.
CHAPTER 20. Of the attorney-general.
CHAPTER 21. Of public notaries and commissioners.

CHAPTER 18.

OF THE GOVERNOR.

SECTION
1. Petitions for pardon.
2. Persons pardoned to comply with conditions imposed.
3. Reward for apprehension of criminals.
4. Thanksgiving, governor may appoint.
5. Governor may draw orders on the general treasurer.

SECTION 1. All petitions for pardon, under article second of the amendments to the constitution, shall be presented to the governor, and the petitioners shall comply with such rules and regulations respecting the filing and hearing of the same as he may, from time to time, prescribe.

SEC. 2. In the exercise of the power of pardon, the persons who receive the benefit of such pardon shall comply with, and be subject to, such terms and conditions as may be imposed by the governor at the time of the exercise of such power.

SEC. 3. Whenever any murder, attempt at murder, robbery or any other high crime, shall be committed in the state, and the perpetrator thereof shall escape detection, or shall escape from custody or imprisonment either before or after conviction, the governor may issue his proclamation offering a suitable reward, not exceeding one thousand dollars, for the apprehension of the offender.

SEC. 4. The governor shall annually appoint a day of public thanksgiving, and shall announce the same, by proclamation, to the people of the state.

SEC. 5. He may draw orders upon the general treasurer for the payment of any particular services of a public nature to the amount of twenty dollars at any one time.

CHAPTER 19.

OF THE SECRETARY OF STATE.

SECTION
1. Secretary to be keeper of the seal of the state.
2. Seal of the state.
3. Acts and resolves to be kept in the office of the secretary.
4. Secretary to affix the seal, and give certified copies of papers.
5. To contract for the public printing.
6. Same subject.
7. Record of proceedings of the general assembly.
8. Official letters to be filed.
SECTION
9. Secretary to report list of commissioners returned.
10. To furnish forms of election returns.
11. To certify default in the return of votes.
12. To subscribe for the Rhode Island reports, and distribute the same.
13. He may appoint a deputy.
14. Duties of deputy; secretary liable for his neglects.
15. Other duties of the secretary.

SECTION 1. The secretary of state shall be the keeper of the seal of the state.

SEC. 2. There shall continue to be one seal for the public use of the state; the form of an anchor shall be engraven thereon, and the motto thereof shall be the word "Hope."

SEC. 3. The secretary shall keep and preserve in his office, all acts and resolves passed by the general assembly, and all original papers relating to the proceedings thereof.

SEC. 4. He shall affix the seal of the state, to acts, commissions, certificates, and other papers in his office, in all cases required by law; and shall give copies, duly authenticated, of any official paper whenever required and paid therefor.

SEC. 5. He shall from time to time as he shall deem proper, contract for the printing of all acts and resolves, digests, reports, records and other documents, which shall by general law, or by the general assembly, or by either house thereof, be required to be printed at the expense of the state.

SEC. 6. Before making any such contract, he shall decide upon the style of printing and binding, and the quality of paper to be used for the acts and resolves, digests, reports, records and documents referred to, and shall advertise for sealed proposals for the same. He shall then make the contract with the person or persons who shall agree to perform the work required on the lowest terms, and in the most prompt and satisfactory manner; and who shall give satisfactory security for the performance of the contract.

SEC. 7. He shall, immediately after the acts, resolves and other proceedings of each session of the general assembly are printed as required by law, carefully examine at least six printed copies thereof, and shall certify and authenticate the same under his hand and the seal of the state, and when so certified and authenticated, the same shall be the record of the acts, resolves and proceedings

of such session, and the secretary shall keep and preserve the same in his office, and shall from time to time cause the same to be bound for more convenient use.

SEC. 8. He shall keep a copy of all official letters sent by him, and shall preserve in book-form all public letters received by him.

SEC. 9. He shall, at the May session, annually, furnish the general assembly with a list of all civil commissions returned to him; and with the names of all justices of the peace, who refused or neglected to take their commissions.

SEC. 10. He shall, at least ten days previous to the day of election of general officers, representatives to congress, or electors of president and vice-president of the United States, furnish each town or ward clerk, with printed forms of returns, certificates and directions, together with any advice he may deem necessary to secure proper returns.

SEC. 11. He shall, within thirty days after any default in the return of votes, certify the same to the attorney-general, and his certificate shall be *primâ facie* evidence of such default, and the attorney-general shall prosecute every person guilty thereof.

SEC. 12. He shall subscribe for and take, for the use of the state, three hundred copies of each number or volume, of the Rhode Island reports which may be published, and shall distribute the same as follows, three copies to the librarian of the congress library for the use of the United States; one copy to the secretary of each of the states and territories of the United States for the use of the states and territories; one copy to each of the justices of the supreme court; one copy to the circuit judge of the United States of the circuit embracing the district of Rhode Island; one copy to the district judge of the United States for the Rhode Island district; — said justices and judges as newly appointed in succession to receive all back numbers and volumes of reports so far as the secretary can supply them; three copies to each of the clerks of the courts of this state and of the courts of the United States held in this district; one copy to the governor; one copy to the lieutenant-governor; one copy to the attorney-general; one copy to the speaker of the house of representatives of this state; one copy to each of the sheriffs of this state; one copy to the marshal of the United States for this district; one copy to each of the town clerks of this state; said copies to said clerks of courts, sheriffs, marshal and town clerks to be kept as appendages to their said offices; ten copies to be kept in the state library in the state house in Providence; and ten copies to be kept in the state house in Newport, for the use of the general assembly; two copies to each bar library in this state; one copy to the library of Brown University; one copy to the Providence Athenæum; one copy to the Redwood library, Newport; and one copy to the Rhode Island Historical Society; and other copies to such other officers, persons, corporations and associations as the general assembly may from time to time order.

SEC. 13. He may, by writing, appoint a deputy under him, who

shall be engaged for the faithful discharge of the duties of his office.

SEC. 14. Such deputy may, in the absence of the secretary of state, do all things by law required of the secretary, as fully as the secretary himself might or could do; and the secretary shall be responsible and liable for any misconduct, neglect or default of such deputy.

SEC. 15. The secretary shall perform such other duties as are, or may be required of him, by law.

CHAPTER 20.

OF THE ATTORNEY-GENERAL.

SECTION	SECTION
1. Attorney-general to attend the general assembly and courts.	2. Duties of the attorney-general.
	3. Same subject.

SECTION 1. The attorney-general shall give his attendance at the general assembly, and at the supreme court, and court of common pleas, for the service thereof: and shall give unto such courts, due advice and information, concerning any criminal matters, breaches of the peace, or wrong done to the state, or any of the citizens thereof, that shall come to his knowledge.

SEC. 2. He shall draw and present to such courts, all informations and indictments, or other legal process, against any such offenders, as by law is required, and diligently, by a due course of law, prosecute the same to final judgment and execution.

SEC. 3. He shall commence and prosecute to final judgment and execution, such other legal processes, and shall perform such other duties, as are, or may be required of him, by law.

CHAPTER 21.

OF PUBLIC NOTARIES AND COMMISSIONERS.

SECTION	SECTION
1. Powers of public notaries.	3. Oath, how administered; certificate of oath to be filed.
2. Commissioners in other states, how appointed.	4. Powers of commissioners.
	5. Effect of certificate.

Public Notaries.

SECTION 1. Public notaries are hereby authorized within their respective counties to act, transact, do and finish all matters and

things relating to protests and protesting bills of exchange and promissory notes, and all other matters within their office required by law; to take depositions as prescribed by law, and acknowledgments of deeds and other instruments, and to administer oaths.

Commissioners.

SEC. 2. The governor may appoint, in any foreign country, and in each of the United States, in the District of Columbia, and in any territory of the United States, one or more commissioners, under the seal of this state, to continue in office during the pleasure of the governor for the time being.

SEC. 3. Before any commissioner shall perform any duty of his office, he shall take and subscribe an oath before any justice of the peace, or other officer authorized to administer oaths in the state, country, district or territory for which such commissioner is appointed, that he will faithfully discharge all the duties of his office; a certificate of which shall be filed in the office of the secretary of this state, within six months after the taking of the same.

SEC. 4. Such commissioners shall have power to administer oaths, and to take depositions and affidavits to be used in this state; and also to take the acknowledgment of any deed or other instrument to be used or recorded in this state.

SEC. 5. All oaths administered by such commissioners, and all affidavits and depositions taken by them, and all acknowledgments aforesaid certified by them, shall be as effectual in law, to all intents and purposes, as if certified by any judge, justice of the peace or public notary within this state.

TITLE VI.

Of Elections.

CHAPTER 22. Of the rights and qualifications of voters.
CHAPTER 23. Of the registering, listing, and returning lists of voters, and of proof of their qualification to vote.
CHAPTER 24. Of canvassing the rights and correcting the lists of votes.
CHAPTER 25. Of elective meetings.
CHAPTER 26. Of the manner of conducting elections.
CHAPTER 27. Of the election of representatives to congress.

CHAPTER 28. Of the election of electors of president and vice-president of the United States.
CHAPTER 29. General provisions concerning elections.

CHAPTER 22.

OF THE RIGHTS AND QUALIFICATIONS OF VOTERS.

SECTION
1. Persons entitled to vote in *all* town, &c., meetings.
2. Persons entitled to vote except in election of city council of Providence, and for taxes.
SECTION
3. Persons entitled to vote in a town for general officers, &c., upon a six months' residence.

SECTION 1. The two following classes of persons have, by the constitution, the first as registered, and the second as unregistered voters, a right to vote in the election of all civil officers, and on all questions, in all legally organized town, ward or district meetings: —

First, Every male native citizen of the United States, of the age of twenty-one years, who has had his residence and home in this state, two years, and in the town or city in which he may offer to vote, six months next preceding the time of voting, whose name shall be registered in the office of the clerk of the town where he resides, on or before the last day of December in the year next preceding the time of his voting, and who shall show by legal proof, that he has, for and within the year next preceding the time he shall offer to vote, paid a tax or taxes assessed against him in any towns or cities in this state, to the amount of one dollar, including in such tax or taxes, a tax upon his property in the town in which he shall offer to vote, valued at least at one hundred and thirty-four dollars.

Second, Every male citizen of the United States, of the age of twenty-one years, who has had his residence and home in this state for one year, and in the town or city in which he may claim a right to vote, six months next preceding the time of voting, and who is really and truly possessed in his own right, of real estate *in such town or city* of the value of one hundred and thirty-four dollars over and above all incumbrances, or which shall rent for seven dollars per annum over and above any rent reserved or the interest of any incumbrances thereon, being an estate in fee-simple, fee-tail, for the life of any person, or an estate in reversion or remainder, which qualifies no other person to vote, the conveyance of which estate, if by deed, shall have been recorded at least ninety days.

SEC. 2. The two following classes of persons have, by the constitution, as registered voters, a right to vote in all elections, and

on all questions as aforesaid, except in the election of the city council of the city of Providence, or upon any proposition to impose a tax or for the expenditure of money in any town or city: —

First, Every male native citizen of the United States, of the age of twenty-one years, who has had his residence and home in this state two years, and in the town or city in which he may offer to vote, six months next preceding the time of voting, and whose name shall be registered in the town where he resided at the time of such registry, on or before the last day of December, in the year next preceding the time of his voting, and who shall show by legal proof, that he has for and within the year next preceding the time he shall offer to vote, paid a tax or taxes assessed against him in any town or city in this state, to the amount of one dollar.

Second, Every such citizen, resident and registered as last aforesaid, who shall show by legal proof, that he has been enrolled in a military company in this state, and been equipped and done duty therein according to law, for at least one day during the year next preceding the time he shall offer to vote.

SEC. 3. The following class of persons have by the constitution, as unregistered voters, a right to vote in the election of all general officers, and members of the general assembly, in the town or city in which they shall have had their residence and home for the term of six months next preceding the election: —

Every male citizen of the United States, of the age of twenty-one years, who has had his residence and home in this state for one year, and shall own any such real estate within this state, but out of the town or city in which he resides, as is described in the second clause of the first section of this chapter, and who shall produce a certificate from the clerk of the town or city in which his estate lies, bearing date within ten days of the time of his voting, setting forth that such person has a sufficient estate therein to qualify him as a voter, and that the deed, if any, has been recorded ninety days.

CHAPTER 23.

OF THE REGISTERING, LISTING, AND RETURNING LISTS OF VOTERS, AND OF PROOF OF THEIR QUALIFICATION TO VOTE.

SECTION
1. Of the registry book.
2. Who to be registered.
3. Penalty on town clerk for neglect, &c., in providing book and registering.
4. Of registered persons dead and non-resident.
5. Of purging the registry.
6. Penalty on town council for fraudulently, &c., striking from registry.
7. Of assessment of tax on persons registered.
8. Of delivery of assessments to collectors of taxes.
9. Penalty on town clerk for neglect to deliver assessments.
10. Penalty on assessors for not making any assessments.

SECTION
11. Penalty on assessors for wilful neglect, &c., to assess particular person or persons.
12. Of proof of fact of registry.
13. Of proof of payment of registry and other taxes.
14 and 15. Registry and other taxes when to be paid, and proof of payment.
16 and 17. Of payment of two registry taxes, when.
18. Of payment of property tax to entitle to vote for city council of Providence, and for taxes, and of proof of same.
19. Penalty on collector, &c., for wilful refusal to furnish proof of payment of taxes on demand, &c.
20. Collectors of taxes, where to be on certain days before elections, or to appoint agent, and proof of payment of taxes to agent.
21. Town clerk to certify payment of registry tax, in case of death, &c., of collector.
22. Penalty on collector and town clerk for wilful neglect, &c., of duty under two preceding sections.
23. Town, &c., clerks to give certified copies of lists of voters on demand, &c.
24. Penalty on town, &c., clerks for not furnishing such lists.
25. Collectors, &c. to furnish certified lists of persons who have paid taxes, &c., when, and penalty for neglect to furnish.
26. Collectors, &c., when to return to town council list of registered persons who have paid taxes, and how.
27. Penalty on collectors, &c., for not returning.
28. Proof of military service.
29. Penalty on commanding officer for wilfully refusing proof.
30. Of return by commanding officer of those performing military service.
31. Penalty for neglect to make such return.
32. Power of commanding officer to require returns and evidence under oath.
33. Penalty on officer or private for refusal to give such return or evidence.
34. Of return by town clerk to town council of list of voters.
35. Penalty on town clerk for neglect, &c., to make such return.

SECTION 1. Every town clerk shall provide a suitable book for the registry of the names of all persons, who in order to vote, are required by the constitution to be registered; which book shall be kept in the office of the town clerk, for the purpose of such registry only, and shall always be open to the inspection of any elector of such town.

SEC. 2. Said clerk shall register in said book, the name of every male inhabitant of the town, who shall demand such registry, and who shall declare that he is qualified by birth, and is or will be within a year qualified by age and residence, to vote in such town, together with the date of the registry; and shall also register therein, the name of every such inhabitant demanded to be registered by any elector of such town, who shall declare that such inhabitant is qualified by birth, and is or will be within a year qualified by age and residence, to vote therein; in which case, besides the date of the registry, he shall also register opposite the name of such inhabitant, the name of the elector demanding the same.

SEC. 3. Every town clerk who shall neglect to provide and keep such book, or who shall refuse at any suitable time, to permit such inspection of the same, or who shall refuse or neglect to register the name of any person, upon demand and declaration as aforesaid, or shall register a name without a date, or with a false date, or shall fraudulently erase from the registry, the name of any person

duly registered thereon, shall be fined one hundred dollars for each and every such offence.

SEC. 4. No person whose name is upon the registry of any town shall be deemed to be registered therein, who shall have died, or who for the space of one year, shall have ceased to reside in such town.

SEC. 5. It shall be the duty of the town council of each town, on the third Monday of June, in each year, carefully to examine the registry of such town, in open meeting, and to purge the same, by placing against the names of all persons thereon who are dead, or who for the space of one year, shall have ceased to reside in such town, or whose names shall not have been put upon some list of voters in said town, duly certified, for some election of general or town officers, for the space of three years next preceding the meeting of the town council, the word "dead," "non-resident," or "unqualified," as the case may be; and to correct the registry, where the same person is registered more than once thereon.

SEC. 6. If the name of any person shall be wilfully or fraudulently stricken from the registry as aforesaid, whose name should be retained thereon, every member of the town council wilfully or fraudulently concurring in the same, shall be fined one hundred dollars for every name so stricken off.

SEC. 7. On or before the second Monday of January in each year, the town clerk of every town shall deliver to the assessors of taxes for their respective towns, a certified copy from the registry, of the names of all persons registered in the town on or before the last day of December preceding, alphabetically arranged, placing opposite the name of every person thereon, the amount of his assessed property tax, for and within the said year; and such assessors of taxes shall, within five days thereafter, in every year, assess upon every person whose name shall have been registered as aforesaid, as his registry tax, a tax of one dollar, or such sum as with his other taxes shall amount to one dollar, and return to the clerk's office of the town, the said copy of the registry by them duly certified, with the registry tax assessed against each person placed against his name thereon, which copy so returned, it shall be the duty of the town clerk to put on file in his office.

SEC. 8. The town clerk shall, within five days after the assessments have been made in each year, deliver a duly certified copy of the registry, with the assessments aforesaid, to the collector of taxes for such town.

SEC. 9. Every town clerk neglecting or refusing to deliver such certified copy to the assessors as aforesaid, or wilfully delivering a false or imperfect copy, shall be fined three hundred dollars.

SEC. 10. If any assessors of taxes shall wholly neglect or refuse to make such assessments, each and every such assessor so neglecting or refusing, shall be fined one thousand dollars, and be liable to imprisonment for one year.

SEC. 11. If any assessors shall wilfully neglect or refuse to assess as aforesaid any person registered as aforesaid, each and every assessor so neglecting or refusing, shall be fined one hundred dol-

lars for each and every person whom he or they shall so neglect or refuse to assess as aforesaid.

SEC. 12. The proof of the registry of a person in a town other than that in which he shall offer to vote, shall be the certificate of the town clerk of the town in which he is registered.

SEC. 13. The proof of the payment of registry and other taxes, shall be the certificate of the collector of taxes, or of the town clerk; and the receipt or return of the collector shall be sufficient evidence for the purpose of procuring the certificate of the town clerk. In case of a school district or highway tax, where by law the same may be paid, whether in money or labor, to a surveyor of highways or to a district collector, the receipt of such surveyor or district collector shall be sufficient evidence of such payment for the purpose of procuring the certificate of the collector of taxes, or of the town clerk.

SEC. 14. No person who claims a right to vote upon the payment of a tax or taxes assessed, for any other officers than aldermen, or common councilmen of the city of Providence, or upon any other proposition than one to impose a tax, or than one for the expenditure of money in any town or city, shall by the boards of canvassers be admitted to vote, unless upon the production of a certificate from the collector of taxes or town clerk of some town in this state, that before the fourth day preceding the annual election in April, or before the fourth day preceding the day of any other election, he has paid such tax assessed for, and within such year, at least to the amount of one dollar.

SEC. 15. If he claim a right to vote upon the payment of a registry tax, such payment shall be certified as aforesaid, by the officer of the town in which he resided at the time such tax was assessed, authorized to receive the same.

SEC. 16. If his name has been registered for more than one year, two registry taxes for the two years next preceding the canvass having been assessed against him, and he claim a right to vote upon the payment of his registry tax, the certificate of the officer of the town in which he resided at the time such tax was assessed, authorized to receive the same, shall be produced before the canvassers, that before the canvass, he has paid such registry tax for each of the two years next preceding the time of voting; or that one of the same, if the other has been paid, has been remitted by the town council of the town in which he resided at the time of the assessment of said tax, in conformity with article second, section third of the constitution.

SEC. 17. The payment of said registry tax for the first of said years, shall not be required in any case where the person so taxed would not have been entitled to vote in the town where he was so taxed, had the payment been made before the fourth day preceding the annual election of April in said first year.

SEC. 18. No person claiming a right to vote upon the payment of a property tax, in the election of the city council of the city of Providence, or of any member of the same, or upon any proposition to impose a tax, or for the expenditure of money in any town

shall, in such case, be admitted by the canvassers to vote, unless he produces a certificate from the collector of taxes, or the town clerk of such town, that he has, on or before the fourth day preceding the election, or before the time of voting on any proposition as aforesaid, paid a tax assessed for and within the year preceding, upon his property therein, valued at least at one hundred and thirty-four dollars; which, of itself, or with other taxes paid by him, amounts to one dollar.

SEC. 19. Any town clerk, collector of taxes, or other officer authorized to receive the taxes or give the certificates in either of the seven sections next preceding mentioned, who shall wilfully refuse to grant the certificate therein prescribed, to any person demanding the same and legally entitled thereto, or shall wilfully and fraudulently grant such certificate to any person not legally entitled thereto, shall be fined one hundred dollars for each and every offence, and in all cases, the return of said collector or town clerk shall be deemed evidence of the payment of the said tax or taxes.

SEC. 20. It shall be the duty of the collector of taxes in each town, to be and remain in the town clerk's office, and in the cities of Newport and Providence, to be and remain at his own or at the town clerk's office, from and after the day of his receiving the copy of the registry, in the eighth section of this chapter mentioned, for at least six hours in each day, to wit: from twelve to six o'clock in the afternoon, during the six days, exclusive of Sunday next preceding the last four days before the day of the annual election for state officers, and one day before the fourth day next preceding any other election; or in case of absence, to appoint some one as his agent, there to remain as aforesaid, during the period aforesaid, to receive the registry tax: *Provided*, that the certificate of such payment shall, in case of payment to the agent, be under the hand of the collector, in order to avail as proof before the board of canvassers.

SEC. 21. If the collector shall die, resign, be unable, or neglect or refuse to do his duty hereinbefore required, the town clerk of each town shall receive and certify the payment of the registry tax with the same effect that the collector might do.

SEC. 22. Any wilful neglect or refusal of duty on the part of the collector or town clerk, or agent under the two sections next preceding, shall be punished by a fine of not less than twenty-five dollars nor more than one thousand dollars.

SEC. 23. Every town, ward or district clerk, upon payment or tender of his legal fees, which shall be the same for the ward and district clerks as for the town clerks, shall furnish to any one demanding the same, a certified copy of any list of voters whose votes have been given in at any election.

SEC. 24. Every town clerk shall upon like payment or tender, furnish to any person demanding the same, a certified copy of any registration of voters, and shall also, upon request of any person, and tender of legal fees, and without any unreasonable delay, examine the records, and certify to the estate of any person, and shall furnish copies of any instrument or writing which may be on record, or in the files of his office.

SEC. 25. Every collector of taxes, or other officer authorized to receive the same, shall, upon like request and payment or tender, and without unreasonable delay, furnish to any elector, a certified list of those who have paid to him, state, town and registry taxes, and the amounts and times of such payments: and shall grant certificates setting forth whether a certain person or persons have or have not paid to him such taxes, and if paid, to what amount, and at what time; and every town, ward or district clerk, or collector of taxes, who shall refuse or unreasonably delay to furnish such lists or certificates, upon payment or tender as aforesaid, shall, for every such offence, be fined not less than twenty-five dollars, nor more than two hundred dollars.

SEC. 26. The collector of taxes, or other officer authorized to receive the same, shall present to the town councils at every meeting for the purpose of canvassing, alphabetical lists of the names of all persons registered on or before the last day of December next preceding, in their respective towns, who shall have paid such officer their taxes, together with the amount of the payment by each, specifying whether the tax was an assessed tax, or a tax on his property valued at least at one hundred and thirty-four dollars, which have not been before presented.

SEC. 27. Any collector, or other officer authorized to receive taxes, neglecting or refusing to make such return to the town council, as aforesaid, shall, for every offence, be fined not less than twenty-five dollars, nor more than two hundred dollars.

SEC. 28. If any person claim a right to vote on account of having done military duty, the proof thereof shall be a certificate from the commanding officer of any military company in this state in which he is enrolled, that he has, within the year next preceding the time when he shall offer to vote, done duty therein, for at least one day, and been equipped according to law.

SEC. 29. Every commanding officer, who shall wilfully refuse to grant such certificate to any person properly entitled to the same, or shall knowingly grant any such certificate to any person not entitled thereto, shall, for every such offence, be fined one hundred dollars.

SEC. 30. The commanding officer of each military company in this state, shall, on or before the fourth day preceding the annual election in April, or on or before the fourth day preceding the day of any other election, make return, certified and sworn to by him before some judge, justice of the peace or public notary, of all persons, arranging their names alphabetically, belonging to such company, qualified to vote by military service as aforesaid, to the clerk's office of the several towns in which such persons reside.

SEC. 31. Every such commanding officer who shall wilfully neglect or refuse to make such return, or shall knowingly make a false or imperfect return, shall be fined not less than twenty-five dollars nor more than five hundred dollars.

SEC. 32. The commanding officers of the several companies shall have full power, and it shall be their duty to require from all officers and privates under their command, all such returns and evi-

dences under oath, as may be necessary to enable them to comply with the provisions of the constitution and of this title.

SEC. 33. Any such officer or private, refusing to make such returns, or to give such evidence, when thereunto duly required, or wilfully making false returns, or giving false evidence, shall be fined not less than twenty-five dollars, nor more than three hundred dollars.

SEC. 34. On or before the first Monday of March, in every year, the town clerks in the several towns shall furnish to the town councils of their respective towns, a duly certified alphabetical list of all persons registered therein on or before the last day of December next preceding, for the purpose of voting; and separately therefrom, correct alphabetical lists of the names of all persons entitled to vote under article second, section first, of the constitution.

SEC. 35. Every town clerk who shall wilfully neglect or refuse to deliver such lists, within the time above limited, or who shall wilfully deliver false or imperfect lists, shall be fined not less than five hundred dollars, nor more than one thousand dollars, or be imprisoned not less than six months, either or both, at the discretion of the court who shall try the offender.

CHAPTER 24.

OF CANVASSING THE RIGHTS, AND CORRECTING THE LISTS, OF VOTERS.

SECTION

1. Boards of canvassers, who.
2. Clerks of boards, who, and duty of.
3. Boards of canvassers, when to meet, and duty of, in making lists of voters.
4. Lists of voters to be posted up, when and where.
5. Where, in cities of Providence and Newport.
6. Where, in towns divided into voting districts.
7. Penalty for removing or defacing voting lists posted up.
8. Of correction of lists by canvassers in cities and in towns not divided into voting districts, and of notice of sessions for that purpose.
9. Of posting up corrected lists.
10. Members of town councils, and town clerks, how and what paid.
11 and 12. Of correction of voting lists in towns divided into voting districts, and of notice of sessions for that purpose.

SECTION

13. Of last meeting of canvassers and notice of same.
14. Of correction of voting lists in special elections.
15. Proof to be given, to strike a name from voting list.
16. Corrected list of voters to whom to be delivered, in general.
17. To whom to be delivered in cities, and towns divided into voting districts.
18. Penalty upon members of boards of canvassers, and town clerk for neglect to hold sessions, post up lists, or deliver same.
19. Who paupers — and paupers and persons mentioned in 4th and 5th sections of article 2d of constitution not to be put on lists.
20. Power of canvassers to administer oaths and take evidence.
21. Penalty for false answer to canvassers.
22. Penalty upon canvassers for fraudulent placing upon, or rejecting from, list.

SECTION
23. Canvassers not liable for omissions in returns made to them, unless proof be made of qualification of persons omitted.
24. Of record of names of persons rejected from, or admitted on, lists, and penalty for neglect to record.
25. Penalty on clerk for fraudulent addition to, or erasure of, names of voters on lists.

SECTION 1. The town councils shall be boards of canvassers of voters in their respective towns.

SEC. 2. The town clerks shall act as clerks of said boards in their respective towns, and shall produce to the boards, such returns, documents and records as may be required by them for the performance of their duties.

SEC. 3. The town councils of the several towns shall hold a meeting on the first Monday of March in every year, and shall make out correct alphabetical lists of all persons qualified, or who may by the payment of the registry or other taxes, become qualified to vote generally, to wit:

First, Of all persons entitled to vote under article second, section first, of the constitution, and of all persons who are or may be entitled by registry and payment of registry and other taxes, or by the performance of military duty, to vote in their respective towns; distinguishing the persons registered, who are not entitled to vote under article second, section first, of the constitution, and who had not paid their registry or other taxes, at the time of making said lists, from those who had paid their taxes;—*Second*, Separately from such lists, correct alphabetical lists of all persons entitled to vote upon any proposition to impose a tax or expend money in their respective towns, to wit: Of all persons entitled to vote under article second, section first, of the constitution, and of every person who has paid taxes assessed within the year preceding, to the amount of one dollar, including therein a tax upon his property in such town, valued at least at one hundred and thirty-four dollars, or on whose property, valued as aforesaid, a tax has been assessed and not paid; distinguishing in the said list as hereinbefore provided, those who are not entitled to vote under article second, section first, of the constitution, and who have not paid the said tax.

SEC. 4. On or before the second Monday in March, in each year, said councils shall cause said lists to be posted up in three or more public places in their respective towns, and one in the town clerk's office, which last list shall be open to the examination of any elector of the town, at all reasonable hours.

SEC. 5. In the cities of Providence and Newport, separate lists of the voters in each ward, shall be made out by the mayor and aldermen, and the lists for each ward shall be posted up in some public place in the ward, and in the office of the city clerk.

SEC. 6. Separate lists of the voters in each of the districts in any town which is or may be divided into voting districts, shall be made out by the town councils of such towns, and the lists for each district shall be posted up in one or more public places in each of the said districts, and in the town clerk's office.

SEC. 7. Any person who shall take down, deface or destroy any

list of voters posted up as aforesaid, shall be fined three hundred dollars, or be imprisoned three calendar months.

SEC. 8. On or before the third Monday of March in every year, the town councils of the several towns not divided into voting districts, and the boards of aldermen of the cities, shall be in session at some convenient place or places for a reasonable time, in their respective towns, for the purpose of correcting such lists; and the notice of the time or times, and place or places of holding said sessions shall be given by the town councils upon the lists posted up as aforesaid.

SEC. 9. Within two days after the correction of the lists as aforesaid, such corrections shall be, by the several town clerks, entered upon such lists so posted, or other lists shall be corrected and posted in their places.

SEC. 10. The members of the town councils, and the town clerks of the several towns, shall be paid by their respective towns, one dollar each, for every day's attendance in the discharge of their duties under this chapter; and the town clerks shall, in addition, be paid legal fees for their recording and making out the several lists and returns in this chapter required.

SEC. 11. On or before the third Monday of March, in each year, the town councils in the several towns, which are or may be divided into voting districts, not including cities divided into wards, shall be in session in some convenient place in each of said districts for a reasonable time, to correct said lists; and the notice of the time and place of holding such session, shall be given by the council, on the list posted up as aforesaid.

SEC. 12. The boards of canvassers shall, at their several meetings, correct the lists, and add to the list of voters, all persons otherwise qualified, who, since the preceding meeting have paid taxes assessed against them necessary for a qualification, and all such others whose names may not be on the list of voters, who may be shown to be entitled to vote under article second, section first, of the constitution, or by the performance of military duty.

SEC. 13. Said boards shall hold their last meeting within four days next preceding the day of voting at any election, when they shall complete the lists of all persons qualified; which lists need not be posted up as aforesaid, but notice of the time and place of such session shall be given, for at least ten days previous thereto, by posting up notices thereof, in three or more public places in every town, and one in each ward in the cities of Providence and Newport; also, one in each voting district in any town divided into districts for the purpose of voting, and one in the town or city clerk's office; in addition to such notice, by publication in one or more newspapers published in such town, if any there be.

SEC. 14. In special elections of representatives in congress and of members of the general assembly, said board shall, on the week-day next preceding the day of the election, correct as aforesaid the lists of voters of their respective towns without notice or posting up as aforesaid; and in called town meetings shall, if the time of such call will permit, correct as aforesaid said lists; and if not, the

qualifications of voters at such called town meetings shall be determined by the voting lists as last before corrected; and the town clerk immediately upon issuing a notice for any such called town meeting, shall give notice thereof to the board of canvassers.

SEC. 15. No name shall be stricken from the voting list by any board of canvassers, unless proof shall be presented to said canvassers that such name is the name of a person not qualified to vote, or who may not be qualified according to the provisions of this title.

SEC. 16. The list of voters so corrected, shall be by said town councils certified by their presiding officer, and on the same day delivered to the town clerks of their respective towns, to be delivered by said town clerks to the moderators of town meetings in their respective towns.

SEC. 17. The town clerk of every town divided into districts for the purpose of voting, shall send to the moderator of each of said districts, a certified copy of the list for his district, before the time fixed for opening the district meetings, for any election as aforesaid; and the city clerks of the cities of Providence and Newport shall, from the list of voters so corrected, make out separate lists of the voters of each ward in said cities, and send such lists, by them certified, to the clerks of the respective wards before the time fixed for the opening of the ward meetings.

SEC. 18. For any wilful neglect to hold the sessions, to post up the lists, or to deliver the same, in this chapter before required, every member of the town council, and every town clerk so wilfully neglecting, shall be fined not exceeding five hundred dollars.

SEC. 19. Any person who shall actually be supported by any town at the time of the completion of the voting lists, shall be deemed and considered a pauper, and the name of any such person shall be stricken from the list of voters by the board of canvassers; nor shall any person be replaced on the voting list, or be permitted to vote, who is excluded by the fourth and fifth sections of the second article of the constitution.

SEC. 20. Said town councils may, at their sessions, holden either for the purpose of revising the registry, or canvassing the votes as aforesaid, examine, under oath, the person whose right to vote is disputed, or any other person present, and may receive any other evidence offered, that they deem necessary, respecting the right of any person to have his name upon the registry or to vote, and shall decide upon the same.

SEC. 21. Any person refusing to answer, or giving a false answer, upon such examination, shall be fined not less than twenty-five dollars, nor more than three hundred dollars for such refusal, or for such false answer so given.

SEC. 22. If any town council shall, at any session holden for the purpose of correcting the lists of voters for the town, as is hereinbefore provided, wilfully and fraudulently place the name of any person upon the list of voters for such town, who is not entitled to vote, or shall wilfully and fraudulently reject and cause to be erased from said list the name of any person entitled to vote, every

member of the said town councils so offending, who shall concur in said offence, shall be fined not less than one hundred dollars, nor more than five hundred dollars.

SEC. 23. The town councils, in case they shall have entered on said lists the names of all persons returned to them by said town clerks, shall not be held answerable for any omissions in said lists, nor for refusing to place in their list the name of any person omitted in the lists to them delivered as aforesaid, unless at one of their said sessions they shall be furnished with sufficient evidence of such omission, and of the qualifications, as a voter, of the person omitted.

SEC. 24. It shall be the duty of the town clerk to record the votes of the members of the town councils, upon admitting or rejecting the name of any person from the list of voters, when he shall be requested thereto by any member of said council, or by any qualified elector of said town present at the time of canvassing, a certified copy of which record shall be conclusive evidence of the facts therein stated; and for any wilful neglect upon the part of said clerk to make said record when requested as aforesaid, he shall be fined not exceeding five hundred dollars.

SEC. 25. If any town clerk shall at any time wilfully and fraudulently add a name to any list of voters, or erase any name therefrom, after the same has been corrected and certified as aforesaid, he shall be fined one hundred dollars for each and every name so added or erased as aforesaid.

CHAPTER 25.

OF ELECTIVE MEETINGS.

SECTION

1. Town meetings for elections, how warned and organized.
2. Ward meetings for, how warned and organized.
3. District meetings, when and where held.
4. Of district meetings on 1st Wednesday in April.
5. Of notice of time, place and purpose of the first meeting of a newly formed district.
6. Who to preside at such meeting.
7. Who, officers of voting districts.
8. When elected and how qualified.
9. Of duty and power of moderators of district meetings.
10. Of district moderator *pro tempore*.
11. Of district clerk *pro tempore*.
12. Of duty of district clerks.

SECTION

13 and 14. Of notice of district meetings for election of representatives to congress, &c. — and of service of warrant for same.
15. Elective meetings for election of certain officers in Providence and Newport and in other towns where vote taken by ballot, to be kept open during whole time of voting.
16. Elective meetings for certain elections, at what time of day to be opened.
17 and 18. At what hour to be closed.
19. Ward meetings for certain elections in Providence and Newport, when to be closed.
20. District meetings for certain elections, at what hour to be opened and closed.

SECTION 1. Town meetings for purposes of election shall be warned, and organized as is, or may be provided by law for the warning and organization of town meetings for other purposes, unless otherwise specially directed, and shall be held at the times by law appointed.

SEC. 2. Ward meetings in cities for like purposes, shall be warned, and organized as is, or may be, by law, or the charters of such cities, provided, and shall be held at the times by law appointed.

SEC. 3. District meetings of towns which are, or may be divided into districts for purposes of election, shall be held within the respective districts by the electors thereof, at the times by law appointed, and at places designated by the vote of the district meeting.

SEC. 4. A meeting of the electors of every such district, shall be annually held on the first Wednesday in April, at nine o'clock in the forenoon, at a place to be designated by the town council, if none be designated by a former district meeting, for the purpose of organization, and of voting for such officers as are to be chosen on that day.

SEC. 5. At the first meeting of any such newly-formed district, the town clerk shall cause notice of the time, place and purpose of such meeting to be given, by issuing his warrant to the town sergeant or one of the constables of said town, requiring him to post up notifications thereof in two or more public places in each of said districts.

SEC. 6. At such first meeting, some member of the town council or other person to be designated by the town council, shall attend the meeting on that day in each of said districts, and act as moderator until the meeting shall choose a moderator.

SEC. 7. The officers of said districts shall be a moderator and district clerk.

SEC. 8. They shall be chosen on the first Wednesday of April annually; and shall be sworn to the faithful and impartial discharge of their several duties, according to law.

SEC. 9. The moderators shall preside in all meetings of their districts until a new election; and shall have the same authority to preserve order in said meetings as moderators of town meetings have; and shall be subject to the same penalties for wilful violations or neglect of duty.

SEC. 10. Should the moderator not attend any meeting, the clerk shall preside until a moderator *pro tempore* shall be chosen.

SEC. 11. Should the clerk not attend any meeting, the moderator shall call for an election of clerk *pro tempore*, and shall discharge the duties of clerk until such election.

SEC. 12. The clerks shall keep a record of the proceedings of the meetings in their several districts, and after a choice of officers in their several districts, shall, in writing duly certified, notify the town clerk thereof, and the meeting held on said first Wednesday in April shall fix upon the place of their future meetings; and the

district clerks shall severally give notice to the town clerk, of the place so appointed.

SEC. 13. After the first meeting of the electors of a newly formed district, whenever any election for representatives to congress, electors of president and vice-president, general officers, town clerk, town council, justices of the peace, town treasurer, and for senators and representatives to the general assembly, shall be prescribed by law, it shall be the duty of the town clerk to cause notice to be given to the voters in each of the districts of the said towns divided into districts, or which may hereafter be divided into districts, as aforesaid, by issuing his warrant to the town sergeant, or one of the constables of the said town, directing him to post up notifications of the time, place and purpose of such meetings, in two or more public places in each of said districts, at least seven days previous to the time appointed therefor.

SEC. 14. The officer charged with the service of said warrant, shall return to the district clerks severally, a certificate of his doings upon said warrant in each district, previous to said meeting.

SEC. 15. In the election of general officers, representatives to congress, and electors of president and vice-president of the United States, and of city officers of the cities of Providence and Newport, and when the vote is taken by ballot in the election of senators and representatives to the general assembly, the town meetings of the several towns, and the ward meetings in the cities of Providence and Newport, shall be kept open for voting during the whole time of voting for the day.

SEC. 16. All town and ward meetings for the election of general officers, senators and representatives to the general assembly, representatives to congress, and electors of president and vice-president of the United States, and for the election of city officers of the cities of Providence and Newport, shall be opened at ten o'clock, in the forenoon, on the day of election.

SEC. 17. All town meetings for such elections, except in case of the election of senators and representatives to the general assembly where the vote is not taken by ballot, in any town having five hundred electors or upward, shall be kept open at least until five o'clock, in the afternoon, on said day.

SEC. 18. All town meetings for such elections in towns having less than five hundred electors, shall be kept open at least until three o'clock, in the afternoon, on said day.

SEC. 19. Ward meetings in the cities of Providence and Newport shall be kept open in all such elections until eight o'clock in the evening and no longer.

SEC. 20. All district meetings holden for such elections, shall be opened at nine o'clock, in the forenoon, and be kept open at least until three o'clock, in the afternoon.

CHAPTER 26.

OF THE MANNER OF CONDUCTING ELECTIONS.

SECTION
1. What votes to be received, and what rejected, by moderators and wardens; and of certificate voters in wards and districts.
2. Of return of certificates.
3. Penalty for refusal by ward or district clerk to give certificates.
4. Penalty on moderator or warden for fraudulently receiving or rejecting votes.
5. Ballot-boxes, how furnished, &c.
6. Of form and manner of using ballot-boxes.
7, 8, and 9. Envelopes, what, and how furnished.
10. Names of candidates in certain cases to be placed on one ballot, and when to be numbered.
11. Ballots, when may be enclosed in envelopes, and how many in one envelope.
12 and 13. Vote, how given, announced and checked.
14. Of counting envelopes and votes, announcing result, and giving certificates of election.

SECTION
15 and 16. Of votes in envelopes, when to be rejected.
17. Of reopening polls in towns not divided into wards or voting districts.
18. Of return of votes in cities, and towns divided into voting districts.
19. Of counting ballots, and announcing result in cities and such towns.
20. Of new elections in cities, and towns divided into voting districts, in case of no choice.
21. Of certificates of elections in cities and such towns.
22. Of sealing up, certifying and returning votes in elections of general officers, &c., and of electors of president and vice-president.
23. Penalty for neglect to seal, direct and return votes.
24. Penalty upon town clerk for refusal of certificate to member elect of general assembly.
25. Of new election of member of general assembly, in case of refusal to serve, death, or resignation.
26. Penalty on town clerk for not issuing warrant for such new election.

SECTION 1. The moderator or warden of any town, ward or district meeting, shall receive the votes of all persons whose names are upon the list of voters, certified and delivered to him by the town clerk, and shall reject the votes of all persons claiming to vote, whose names are not on said list; provided, that if any voter whose name is upon any ward list in the cities of Providence or Newport, or upon any district list in any town, shall have removed to another ward or district, after the making out of the ward or district list, or if the name of any voter shall have been placed upon the wrong ward or district list, every such voter shall be admitted to vote in the ward or district in which he resides, upon producing the certificate of the town clerk, that his name is upon another ward or district list, duly prepared for the election at which he claims to vote.

SEC. 2. Such certificate shall, with the votes, be returned by the

several ward and district clerks, to the officer or body by law provided to receive the votes.

SEC. 3. If any ward or district clerk shall refuse to give such certificate to any person entitled to and demanding the same, or shall wilfully give a false one, he shall be fined one hundred dollars.

SEC. 4. If any moderator, warden, or person whose duty it is to receive votes, shall fraudulently receive any unlawful vote, or shall fraudulently reject the vote of any voter whose name is on the town, ward or district lists, he shall be fined one hundred dollars for every offence, and be ever after disqualified from voting.

SEC. 5. The town clerks of the several towns shall, at the town's expense, furnish a sufficient number of ballot-boxes for each town, ward, and district of their respective towns, for the purpose of balloting, and shall see that they are kept in proper condition.

SEC. 6. Said ballot-boxes shall have a sufficient opening on the top to receive the ballots, and shall in open town meeting, and before the balloting has commenced, be opened and exhibited to all present; after which they shall be kept closed and locked, and shall not by the moderator or warden, or any other person whatever, upon any pretext whatever, be opened until the balloting be completed, and shall be in charge of the moderators and wardens only.

SEC. 7. The secretary of state shall provide a sufficient quantity of self-sealing envelopes of uniform appearance, and of suitable size and quality, bearing as a device, the arms of the state stamped on the outside thereof, for use in the election of general officers, representatives to congress, and of electors of president and vice-president of the United States.

SEC. 8. He shall keep constantly on hand, a sufficient supply thereof, for all the voters of the state at such elections, and shall furnish the same to the town clerks whenever they shall apply therefor.

SEC. 9. The town clerks of the several towns shall procure from the secretary of state, at the expense of their respective towns, a sufficient quantity of such envelopes for use at the elections last named, and for other elections elsewhere, and shall see that said envelopes are at the town, ward, or district meetings at the opening thereof, on election days; and it shall be the duty of the moderators or wardens to return to the town clerks, all such envelopes as may remain at the close of such meetings.

SEC. 10. The names of the persons voted for as governor, lieutenant-governor, secretary of state, attorney-general and general treasurer shall be placed upon one ticket; and if senators or representatives to the general assembly be voted for by ballot, the names of the candidates for said offices in any town, voted for by any one elector, shall be written or printed upon one ticket; and the names of the representatives shall be numbered upon the ticket, and in counting them the places numbered shall be considered separate places.

SEC. 11. In all elections for general officers, representatives to

congress, electors of president and vice-president of the United States, and when the vote is taken by ballot, in the election of senators and representatives to the general assembly, the votes or ballots may be deposited in the ballot-box in an envelope such as aforesaid, or without an envelope, at the option of the voter; provided, that all ballots given by any voter on the same voting day, in said elections, and in all elections, when enclosed in envelopes, shall be enclosed in one and the same envelope.

SEC. 12. Each voter shall, at the time of voting, announce to the moderator or warden, his name, who shall pronounce the same aloud, and cause it to be checked upon the voting list, before the voter deposits his vote.

SEC. 13. Each voter shall also hold in his hand, and deposit in said ballot-box, the envelope containing his ballot or ballots, or his ballot or ballots without an envelope, in such manner that said moderator and warden can distinctly see that he deposits but one envelope, or one ballot of a kind; and it shall be the duty of the town, ward, and district clerks to check each voter's name as he deposits his ballots.

SEC. 14. After the voting in any town, city, ward or district, for the officers herein mentioned, or any of them, shall be closed, the moderator and town clerk, or the warden and ward clerk, or the moderator and district clerk, shall in open town, ward or district meetings, proceed to open the envelopes and count the ballots; and the moderator shall announce the result, and the clerks of towns not divided into districts, shall give certificates to the persons elected.

SEC. 15. If any envelope shall contain more than one vote for the same person, for the same office, or votes for different persons for the same office, either on the same piece of paper, or on different pieces of paper, all such votes shall be rejected and not counted.

SEC. 16. When any envelope found in any ballot-box bears any impression, or device, or color, designed to distinguish such envelope from others of the same kind, deposited therein by the voters, it shall be rejected with all its contents.

SEC. 17. If in any case, in a town not divided into wards or voting districts, there shall be no election, the polls may be reopened, and the like proceedings shall be had until an election takes place: *Provided*, that no adjournment or adjournments of an election shall be made to a time exceeding seven days from the first meeting.

SEC. 18. In the cities, and in towns which are divided into districts for voting, after the examination of the ballots, the wardens and clerks, and the moderators and district clerks, shall forthwith seal and deliver to the city clerk or town clerk, all the ballots other than those given for general officers, with a certificate of the number of ballots, and for what officers they have been given.

SEC. 19. The mayor and aldermen, or the town councils, as the case may be, shall proceed, within two days next after the election, to count the ballots, in the same manner as is prescribed

in section fourteen of this chapter, for the counting of votes by the moderators and clerks of town and ward meetings, and shall declare the result.

SEC. 20. If no election shall have been made of senator and representatives to the general assembly, or of city or town officers, or of any one or more of them, in cities, and towns divided into voting districts, upon the day appointed by law for any election, the mayor and aldermen, or town council, as the case may be, shall order a new election, to be held not more than ten days from the day of the first election, and so on until the election shall be completed.

SEC. 21. Certificates of election shall be furnished by the city or town clerks to the persons chosen.

SEC. 22. The moderators and clerks of the towns and districts, and the wardens and ward clerks of the cities, shall, after having counted the ballots as provided in section fourteen of this chapter, seal up in open meeting, the ballots for general officers, representatives to congress, and electors of president and vice-president of the United States, and shall certify that the ballots by them sealed up, are the ballots given in at such election, the number of votes given for each of the candidates, and that the number of ballots does not exceed the number of electors voting at such election; and shall deliver or send such ballots so sealed up and certified, to the secretary of state, except the ballots for electors of president and vice-president, which shall be delivered or sent to the governor.

SEC. 23. Any moderator, warden, or town, ward or district clerk, who shall neglect to seal up and direct the votes, or to send the same, as hereinbefore or by the constitution provided, or who shall knowingly seal up, direct and send a part only of the votes, shall be fined not less than one hundred dollars, nor more than three thousand dollars, or be imprisoned not more than three years, either or both, at the discretion of the court who shall try such offender.

SEC. 24. If any town clerk shall neglect or refuse to furnish any member of the senate or house of representatives elect, with a proper certificate of his election, as soon as may be after his election, he shall be fined not less than fifty dollars, nor more than five hundred dollars, or be imprisoned not exceeding six months, either or both, at the discretion of the court trying such offender.

SEC. 25. If any person elected senator or representative, shall at any time between his election and the expiration of his term, refuse to serve, and shall declare the same to the town clerk of the town for which he is elected, or shall die, resign or remove out of the state, the town clerk shall forthwith issue his warrant for an election to fill such vacancy, unless a special election for that purpose shall be ordered by the house in which the vacancy may occur.

SEC. 26. Every town clerk refusing or neglecting to issue his warrant as provided in section twenty-five of this chapter, shall be fined five hundred dollars.

CHAPTER 27.

OF THE ELECTION OF REPRESENTATIVES IN CONGRESS.

SECTION
1. Of election districts for, and who voters in.
2. Eastern district, of what towns composed. Western district, of what towns composed.
3. Representatives in congress, when chosen.
4. Elections of, how conducted.
5. Votes in, how returned, counted, declared, and of certificate of members elect.
6. Of new elections, in case no choice, and plurality to elect.
7. Of special elections of representatives in congress — plurality to elect, and votes in, how sealed up, directed and returned.
8. Votes in, how counted, and by whom certificate given.

SECTION 1. The state shall be divided into two districts for the election of representatives to the congress of the United States, to be called the eastern district and the western district; and the qualified electors residing in each of said districts shall be entitled, at the times and places, and in the manner hereinafter provided, to elect a representative to the congress of the United States, for the district in which they reside.

SEC. 2. The eastern district shall consist and be composed of the territory embraced within the following towns, to wit: Middletown, Portsmouth, Little Compton, Tiverton, Fall River, Bristol, Warren, Barrington, North Providence, Smithfield and Cumberland, and the cities of Newport and Providence.

The western district shall consist and be composed of the territory embraced within the following towns, to wit: New Shoreham, Westerly, South Kingstown, North Kingstown, Charlestown, Exeter, Richmond, Hopkinton, Jamestown, East Greenwich, West Greenwich, Warwick, Coventry, Cranston, Johnston, Scituate, Foster, Glocester and Burrillville.

SEC. 3. The election of representatives in congress shall be holden on the first Wednesday in April, one thousand eight hundred and fifty-seven, and on the first Wednesday in April in every second year thereafter.

SEC. 4. Such elections shall be conducted in the same manner and under the like restrictions and regulations, as are or shall be provided by law, in respect to the election of general officers.

SEC. 5. The votes given on such elections, shall be returned to the general assembly at their May session, and those given in each district, shall be separately counted; and the candidate having a majority of legal votes therein, shall be declared elected, and shall be furnished by the governor with a proper certificate thereof.

SEC. 6. If no person have such majority, the general assembly shall order a new election at such time as they shall deem most expedient; and the votes given in such election shall be returned

to, examined and counted by the general assembly or by the governor, at such time as the general assembly shall direct; and the candidate in each district, having a plurality of the legal votes given at such second election, shall be declared elected, and shall receive a certificate accordingly.

SEC. 7. Whenever a writ of election shall issue to supply any vacancy which shall happen in the representation of this state in congress, as contemplated in the second section of the first article of the constitution of the United States, the candidate having a plurality of the legal votes given in such election shall be declared elected and the votes shall be sealed up and certified as the ballots for general officers of the state are by law required to be, and shall, within ten days after such election, be returned to the governor.

SEC. 8. The governor, in the presence of the secretary of state, shall examine and count the same, and give a certificate to the person elected.

CHAPTER 28.

OF THE ELECTION OF ELECTORS OF PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES.

SECTION
1. Who to vote for such electors, and how many to be chosen.
2. Election of, when to be holden.
3. Votes in, how to be sealed up, certified and returned.
4. Votes in, how counted, and electors how notified of their election.
5. If no election of any, how general assembly convened for choice of.
6. Electors chosen, where to meet and vote.
7. Vacancies in number of, how filled.

SECTION 1. The people of this state qualified by law to vote in the election of general officers, shall choose so many electors for the election of a president and vice-president of the United States as the state is or shall be entitled to.

SEC. 2. Such election shall be holden in the several towns, on the Tuesday next after the first Monday in November, in every fourth year next after the election of president and vice-president of the United States which was had in the year one thousand eight hundred and fifty-six; and the several candidates having a plurality of the legal votes given in at such election, shall be electors.

SEC. 3. The votes given in at such elections, shall be sealed up and certified as votes for general state officers are by law required to be, and shall, within ten days after such election, be returned to the governor.

SEC. 4. The governor, in the presence of the secretary of state,

shall examine and count the same, and give notice to the electors, of their election.

SEC. 5. If, by reason of the votes being equally divided among any of the candidates or otherwise, there shall not be an election of the number of electors to which the state may be entitled, the governor shall forthwith convene the general assembly at Providence, for the choice of electors to fill such vacancies by an election in grand committee.

SEC. 6. Electors, chosen pursuant to this chapter, shall meet at Bristol, in the county of Bristol, there to vote for a president and vice-president of the United States, agreeably to the act of congress.

SEC. 7. If any electors, chosen as aforesaid, shall, after their said election, decline the said office, or be prevented by any cause from serving therein, the other electors, when met in Bristol in pursuance of this chapter, shall fill such vacancies, and shall file a certificate in the secretary's office, of the person or persons by them appointed.

CHAPTER 29.

GENERAL PROVISIONS CONCERNING ELECTIONS.

SECTION	SECTION
1. Of exemption of voters from arrest when, and on what days.	3. Penalty for bribing voters.
2. Penalty for fraudulent voting.	4. Limitation of prosecutions for penalties under this title.

SECTION 1. All persons entitled to vote, shall be protected from arrest in civil cases, on the days of election for the choice of city or town officers, and the election for state officers, representatives to congress, or the electors of president and vice-president of the United States; and on the day preceding and day following such election.

SEC. 2. If any person in any election shall fraudulently vote, not being qualified, or having voted in one town, or ward, or district, shall vote in another town, or ward, or district, or shall vote twice at the same election for the same candidate, or for different candidates for the same office, or twice in different places at the same election, he shall be fined one hundred dollars; and no person after conviction of such offence, shall ever after be permitted to exercise the privilege of voting for any civil or military officer.

SEC. 3. If any person shall directly or indirectly give, or offer, or agree to give to any elector, or to any person for the benefit of any elector, any sum of money or other valuable consideration, for the purpose of inducing such elector to give in or withhold his vote at any election in this state, or by way of reward for having voted or withheld his vote, or if he shall use any threats, or employ any

means of intimidation for the purpose of influencing said elector to vote or withhold his vote, such person so offending, shall upon conviction thereof, be fined the sum of five hundred dollars, or be imprisoned not exceeding three months, either or both, at the discretion of the court; and no person convicted of such offence, shall ever thereafter be permitted to exercise the privilege of voting for any civil or military officer.

SEC. 4. All fines and other punishments prescribed in this title, shall be prosecuted within one year after the same shall have been incurred, and not afterwards.

TITLE VII.

Of Towns and Town Officers.

CHAPTER 30. Of the powers of, and of suits by and against towns.
CHAPTER 31. Of calling and warning town meetings.
CHAPTER 32. Of the quorum, government, and conduct of town meetings, and of organization and government of ward meetings.
CHAPTER 33. Of the election and qualification of town officers.
CHAPTER 34. Of the town council.
CHAPTER 35. Of the town clerk.
CHAPTER 36. Of the town treasurer.

CHAPTER 30.

OF THE POWERS OF, AND OF SUITS BY AND AGAINST TOWNS.

SECTION
1. Towns, bodies corporate, and power of to sue, be sued, and defend.
2. Power of, to take and convey real estate, and to make contracts.
3. Power of, to tax.
4. Not to tax polls.
5. Power of, to vote and grant money, and for what uses.
6. Power of, to make ordinances, and penalties of.
7. Powers and obligations of, continued.
8. Powers and obligations of districts and villages continued.
9. Towns, districts, &c., how to exempt themselves from statutes regulating the going at large of horses, &c., and extend statutes to going at large of goats and geese.
10. Town acts and laws, how long to be in force.

SECTION
11. What officers and agents towns may appoint.
12. Debts and claims due from towns, how to be demanded and enforced.
13, 14 and 15. Judgments against, how to be satisfied.
16. Suits by towns, in what name brought.

SECTION 1. The inhabitants of every town in this state are declared to be a body corporate, and may in their corporate name sue and be sued, prosecute and defend, in any court and elsewhere.

SEC. 2. Towns may take, purchase and hold, real and personal estate, and transmit, alienate and convey the same; and may make any contracts necessary and convenient for the transaction of the business of the town.

SEC. 3. They may raise by a tax on real or personal estate, or on both, such sums of money as shall be necessary to pay town debts, or to defray the charges and expenses of the town hereinafter set forth; and may include the town's proportion of any state tax that may be assessed, in the assessment of the town tax, and pay the same out of the town treasury, provided the same be voted at a legal meeting of the electors of the town.

SEC. 4. No poll-tax shall be levied or collected by a town for any purpose whatever.

SEC. 5. Towns may at any legal meeting grant and vote such sums of money as they shall judge necessary: —

For the purchase of sites for, and for the erection and repair of town houses and other public buildings;

For the support of schools, purchase of sites for and the building and repair of school-houses; and for the establishing and maintaining of school libraries;

For the support and maintenance of the poor, and the purchase, erection and repair of proper buildings for the accommodation of the same, as well as for the purchase of proper sites for such buildings, and, if they judge expedient, of farms or farm lands, for the employment and support of paupers and others chargeable upon them;

For the purchase of proper site or sites for workhouses, bridewells, houses of correction or reform schools for juvenile offenders, either or all, and the purchase, erection and repair of proper buildings, fixtures and apparatus for the same, and the purchase of lands for the employment and support of the inmates of the same;

For the laying out, making, repairing and amending of highways;

For the building, repairing and amending of bridges;

For the improvement in any manner they may deem fit of any property belonging to the town;

For all necessary charges and expenses whatsoever, arising within the town, whether incidental or not to the above.

SEC. 6. They may make and ordain all such acts, laws and orders for the well ordering, managing and directing of the prudential affairs and police of the town, as they may deem most con-

ducive to the welfare, peace and good order thereof, provided such acts, laws and orders are not repugnant to the constitution and laws of the state, or of the United States; and may enforce the same by fines, penalties and forfeitures not exceeding the sum or value of twenty dollars, or one month's imprisonment for any one offence.

SEC. 7. Every town and city shall continue to have and exercise all the powers and privileges, except the power of passing by-laws or regulations in relation to the going at large within said town, of horses, neat-cattle, sheep, hogs, goats and geese, and be subject to all the duties and liabilities, conferred or imposed upon it by its charter, or by the several acts of the general assembly specially relating to it, until the same shall expire by their own limitation, or shall be revoked or repealed.

SEC. 8. All the powers and privileges which have been conferred by the general assembly, on any district or village, situated in any town or towns, except the power of passing by-laws or regulations relative to the going at large, within said district or village, of any horses, neat-cattle, sheep, hogs, goats or geese, and all duties and liabilities imposed on such village or district, shall be had or exercised by such district or village, until the same shall be repealed or shall expire by their own limitation.

SEC. 9. Every town, district or village empowered to pass by-laws or regulations, may, by vote, exempt itself, or any part of its territory, from the operation of the general provisions of statute law, in relation to the going at large of horses, neat-cattle, sheep and hogs, or may extend the provisions of that law, to the going at large of goats and geese.

SEC. 10. The acts, laws and orders of towns, shall continue in force until altered or annulled by vote of the town, or by law.

SEC. 11. Towns may and shall elect all such town officers as are, or may be, by law required, and may appoint such other officers as by law empowered, and such special agents for the transaction of any town business not by law required to be performed by any officer known to the law, as they may deem expedient.

SEC. 12. Every person who shall have any money due to him from any town, or any claim or demand against any town for any matter, cause or thing whatever, shall take the following method to obtain the same, to wit: Such person shall present to the town council of the town, and to the city council of the city, a particular account of his claim, debt, damages or demand, and how incurred or contracted; which being done, in case just and due satisfaction is not made him by the town treasurer of such town, within thirty days after the presentment of such claim, debt, damages or demand aforesaid, it shall be lawful for such person to commence his action against the town treasurer for the recovery of the same.

SEC. 13. Upon judgment obtained for such debt, damages or demand, in case the town treasurer shall not have sufficient of the town's money in his hands to satisfy and pay the judgment ob-

tained against him, and the charges expended in defending such suit, upon application made by the town treasurer to any justice of the peace of the town, the justice shall grant a warrant to the town sergeant of such town, requiring him to warn the electors of the town to hold a town meeting, at such time and place as shall be appointed, for the speedy ordering and making a tax, to be collected for the reimbursement of the town treasurer.

SEC. 14. In case such town, upon due warning given them, shall not take due and effectual care to reimburse, pay or satisfy the town treasurer, the money, costs and charges by him expended, or recovered against him, upon information or complaint thereof by him made to the next general assembly, such order shall be given therein for the treasurer's reimbursement, with allowance for all incidental costs, charges and trouble occasioned thereby; and such town shall be fined, at the discretion of the general assembly.

SEC. 15. The three sections next preceding shall not apply to the prerogative writs, or to suits and proceedings in equity, which shall respectively follow the course of the common law and of courts of equity.

SEC. 16. All suits, whether in law or equity, brought by a town, shall be brought in the name of the town, unless otherwise directed specially by law.

CHAPTER 31.

OF CALLING AND WARNING TOWN MEETINGS.

SECTION
1. Of the annual town meeting for election of town officers.
2. At what time held.
3. For what town officers, meeting may be adjourned, in case of failure to elect, and for how many days.
4. Of other town meetings.
5. Town clerk to notify town meetings, directed by law.
6. Other town meetings, how called and notified.
7. Notice of town meetings prescribed by law, how given and served.
8. Notice of called town meetings, how given and served.
9. Who to issue warrant for town meeting, in case of removal or death of town clerk.
10. Penalty for neglect to issue and serve warrant for town meeting.
11. Of special notice in warrant for town meeting to tax or dispose of town land.

SECTION 1. A town meeting shall be annually held in each town for the election of so many town officers as are or shall be by law required.

SEC. 2. Such meetings shall be held at such time as is, or may be by town law or vote provided, unless otherwise directed by law.

SEC. 3. If, on the day of annual election of town officers, any town shall fail to make an election of town clerk, council, justices of the peace, or treasurer, the meeting may be adjourned for the

purpose of completing the election of those officers, but of no others, from day to day, not exceeding three days beyond the first day of meeting.

SEC. 4. Town meetings other than said annual meetings shall be held at such times as are, or may be, by constitution or law required, or may be called in the manner hereinafter provided.

SEC. 5. It shall be the duty of each town clerk to cause the electors of their respective towns to be notified of any town meeting which shall be prescribed by law, and also of all other town meetings which shall be legally called.

SEC. 6. Whenever seven of the electors of any town consisting of less than three thousand inhabitants, or whenever fifteen of the electors of any town consisting of more than that number, shall make a request in writing for the calling of a town meeting, to transact any business relating to such town, in respect to which they shall have a right to vote, and direct the same to the town clerk, it shall be the duty of such town clerk to cause the electors to be notified of the time when and place where the same is to be holden, and of the business proposed to be transacted therein.

SEC. 7. The notice to the electors to meet in a town meeting, prescribed by law, shall be given by the town clerk issuing his warrant, directed to the town sergeant or one of the constables of such town, requiring him to post up written notifications in three or more public places in the town, of the day and place for said meeting to be holden, and of the business required by law to be transacted therein.

SEC. 8. The notice of meetings when called by request as aforesaid, shall be given by the town clerk issuing his warrant, directed to the town sergeant or constable, requiring him to give personal notice to the individual electors of such town entitled to vote on the business to be then transacted, of the time when and the place where said meeting is to be holden, and of the business to be transacted therein: *provided*, that it shall and may be lawful for any town to prescribe by town law any other mode for warning the electors of their respective towns, to convene in town meeting, any thing herein to the contrary notwithstanding.

SEC. 9. Whenever any town clerk shall be removed by death or otherwise, the town treasurer of the town shall issue his warrant to warn the electors to assemble in town meeting, to choose a town clerk in the room of him so removed, which warrant shall be directed as aforesaid.

SEC. 10. Any town clerk or town treasurer who shall neglect or refuse to issue a warrant as above directed, and each town sergeant or constable who shall neglect or refuse to serve the same, as above required, shall severally forfeit for each neglect, fifty dollars; to be recovered, one half to the use of the town, and the other half to the use of the person who shall sue for the same.

SEC. 11. No vote shall be passed in any town meeting concerning the disposing of the town's land or making a tax, unless special mention be made, and notice thereof given in the warrant

issued for the warning of such meeting; and the town clerk of each town shall grant such warrant, unless in cases where the law otherwise directs; which warrant shall be directed to the town sergeant or to either of the constables of the town.

CHAPTER 32.

OF THE QUORUM, GOVERNMENT AND CONDUCT OF TOWN MEETINGS, AND OF ORGANIZATION AND GOVERNMENT OF WARD MEETINGS.

SECTION
1. How many electors constitute a town meeting.
2. Moderator of, when chosen.
3 and 4. Wardens and ward clerks of Providence and Newport and moderators and clerks of voting districts, when and how chosen.
5. Votes for, how counted, and election of, how declared and notified.
6. Term of office of, when to commence, and how long to continue.
7. Who to preside over town, ward and district meetings.
8. Of election of moderator, warden and clerk *pro tempore*.
9. Of new election of, in case of death, resignation or inability.
10. Of power of moderator and warden.
11. Power of, over disorderly persons.
12. Moderator, how to conduct in case of a motion made.
13. Vote how to be taken in town elections, and where vote is by ballot.
14. Majority required in voting in town affairs.

SECTION 1. When the inhabitants of any town do not exceed three thousand by the last preceding census, seven electors at least shall be necessary to constitute a legal town meeting; and when the inhabitants of any town shall exceed that number, fifteen electors at least shall be necessary to constitute such meeting.

SEC. 2. At the annual town meeting of each town, there shall be chosen a moderator, to preside in all the town meetings, for the year, and until his successor is elected, and qualified by oath.

SEC. 3. Wardens and ward clerks, in the cities of Providence and Newport, and moderators and clerks of voting districts, shall be elected on the first Wednesday in April, in each year, and the voting for them shall continue during the whole time limited by law for voting on the day.

SEC. 4. The names of the candidates for warden, or moderator, and clerk, as aforesaid, shall be written or printed upon one piece of paper; and the ballots shall be handed openly by the voter, to the warden or moderator.

SEC. 5. The votes for warden or moderator and clerk, shall be counted by the then warden or moderator and clerk, and the election declared by the then warden or moderator, in open ward or district meeting; and notice of the new warden or moderator and

clerk elected, be given by the then ward or district clerk, to the city or town clerk.

SEC. 6. The term of office of the warden or moderator and clerk, as aforesaid, then elected, shall commence at the first regular ward or district meeting held thereafter for the election of officers, and shall continue until others are elected and sworn in their places.

SEC. 7. In all meetings of the electors or voters in a town or district, the moderator, and of a ward, the warden, shall preside, if present.

SEC. 8. In case of his absence, or of the absence of the ward or district clerk, the town, ward or district, may elect a moderator or warden, or clerk, pro tempore; the town, ward or district clerk, and in case of the absence of the town clerk, the town treasurer, presiding in such election of the moderator or warden, and the warden or moderator at such election of a ward or district clerk.

SEC. 9. In case of the death, resignation or permanent inability of the moderator, warden, or ward or district clerk, the town, ward or district, may proceed to a new election: the meeting for such purpose being presided over in like manner as for the election of such officer pro tempore.

SEC. 10. Every moderator or warden shall have power to manage and regulate the business of each meeting, conforming to law, and to maintain peace and good order therein.

SEC. 11. If any person shall conduct himself in a disorderly manner in any town, district or ward meeting, the moderator or warden may order him to withdraw from the meeting; and on his refusal, may order the town sergeant, or any constable present, or any other persons, to take him from the meeting, and to confine him in some convenient place until the meeting shall be adjourned; and the person so refusing to withdraw, shall, for each offence, forfeit a sum not exceeding twenty dollars, to the use of the town.

SEC. 12. The moderator of every town meeting shall, on a motion being made and seconded, relative to any business regularly before such meeting, after having heard all the electors entitled to vote thereon who shall be desirous of being heard, cause the votes of the electors present to be taken thereon.

SEC. 13. In all town elections and on all questions to be decided by ballot, the elector voting shall present his ballot to the moderator or warden without his name being written on the back or face of his ballot, and the votes shall be received by, and the ballot-boxes shall be in charge of the moderators or wardens, only; and like proceedings shall be had in such cases and in all town meetings, as far as may be, as are prescribed in the first, second, twelfth, thirteenth and fourteenth sections of chapter twenty-six.

SEC. 14. All questions relating to town affairs, shall be decided by a majority of the votes of the electors present, entitled to vote on the question.

CHAPTER 33.

OF THE ELECTION AND QUALIFICATION OF TOWN OFFICERS.

SECTION.
1. What town officers, and when to be chosen.
2. Surveyors or commissioners of highways, how many and when to be chosen.
3. Justices of peace when elected, and term of office.
4. Of return of justices chosen, and how long to officiate after a new election.
5. Of ballot for moderator and town clerk.
6. Number of town council and justices of peace to be chosen, when to be determined.
7. Order of election of members of town council.
8. Order of election of justices of peace.
9. Number of justices of peace to be chosen in cities, and towns divided into voting districts how determined, and election of, how conducted.
10. Of ballots for members of council and justices of peace.
11 and 12. Of conduct of election of surveyors and commissioners of highways.
13. When, and what town officers shall and may be elected by town council.
14. When town council shall appoint surveyor of highways.
15. Mayors of Providence and Newport, how and by whom elected.
16. Of ballots for mayor, aldermen and city councilmen.
17. Envelopes prohibited in city elections.
18. Oath of town and city officers.
19. Certificate of oath.
20. Collectors of taxes to give bond.
21. Who to collect taxes in case of death, &c., of collectors.
22. Penalty upon surveyor of highways for refusal to serve.
23. Penalty upon overseer of highways and assessor of taxes for refusal to serve.
24. Town officers to serve until successors qualified.
25. Power of town council to fill vacancies in town offices.

SECTION 1. The electors in each town shall annually, on their town election days, choose and elect so many town officers as by the laws of this state are or shall be required; that is to say, a moderator to preside in all the meetings of the town, and a town clerk, a town council to consist of not less than three nor more than seven members, a town treasurer, a town sergeant, a town sealer of weights and measures, one or more auctioneers, such a number of assessors of rates and taxes as may be deemed necessary, provided that the number be not less than three nor more than seven, one or more collectors of taxes, one or more corders of wood, one or more packers of fish, one or more pound keepers, a sealer of leather, and so many constables, overseers of the poor, viewers of fences, gaugers of casks, and all such other officers as by law are required in such town, and as each or any town shall have occasion for, including persons to superintend the building of chimneys and placing of stoves and stove-pipes.

SEC. 2. They shall, either on said town election day, or at the town meeting held on the first Wednesday of April for the election of general officers, annually elect so many surveyors of highways,

or commissioners of highways with the powers of surveyors throughout the town and such other powers in relation to highways and bridges as the town by town law or ordinance may choose to confer upon them, as the town may have occasion for.

SEC. 3. Justices of the peace chosen by any town, shall be chosen at the time of electing town officers, and shall hold their offices for one year.

SEC. 4. The town clerk shall forthwith make a return of the justices so chosen to the governor; if not reëlected, they may continue to officiate for thirty days after the time for electing such officers in the town, and no longer; and if reëlected, may continue to officiate for the same number of days, without taking any new oath of office.

SEC. 5. If a vote by ballot be demanded in the election of a moderator or town clerk, a separate vote shall be taken in each case.

SEC. 6. Before the election of members of the town council or justices of the peace is begun at the annual town meeting, the electors shall first determine the number of such officers to be elected.

SEC. 7. The members of the council shall be chosen next in order after the election of town clerk; and in choosing them, the vote, whether by ballot or otherwise, shall be taken for the whole number at the same time; and if by ballot, the names of all the persons voted for by any one elector shall be placed upon one ballot.

SEC. 8. The justices of the peace shall be next chosen and in the same manner; but the ballots for the members of the town council, justices of the peace, and for any other officers, may be delivered to the moderator at the same time, if so ordered by the town.

SEC. 9. In the cities of Providence and Newport, the number of justices of the peace to be elected, shall be fixed by the city councils, and in towns divided into districts for the purpose of voting, by the town councils, and the voting shall be conducted in all respects as is prescribed by law for the voting for senators and representatives in said cities and towns.

SEC. 10. In case of a ballot for members of council or justices of the peace, the names shall be numbered upon the ballots, and in counting them the places numbered shall be considered as separate places.

SEC. 11. In the election of surveyors of highways, the districts shall be called over by the moderator in the order of their number, and the surveyors for those districts be first elected in regard to whom no ballot is demanded.

SEC. 12. Commissioners of highways, whether chosen by ballot or otherwise, shall be chosen in the same manner as members of the council.

SEC. 13. In case any town shall on the day of any such annual election, or in the case of surveyors of highways on the first

Wednesday of April, fail to elect any of the officers which they may lawfully choose, except town clerk, council, justices of the peace and treasurer, the said officers shall be elected by the town council of the town at their next meeting; and the several towns shall have full power to delegate to their respective councils the election of any of the officers which such town may lawfully choose, except town clerk, council, justices of the peace and treasurer.

SEC. 14. If any surveyor of highways shall not signify his acceptance of his appointment, to the town clerk of said town within twenty days after his election, the town council shall appoint another surveyor in his place.

SEC. 15. The mayors of the cities of Providence and Newport shall be elected by a majority of the electors voting for the candidates for said office, qualified to vote in the election of general officers.

SEC. 16. The names of the candidates for mayor, for aldermen and for city councilmen in said cities shall be respectively written or printed on separate ballots, and those of aldermen and councilmen shall be numbered on the ballots, and in counting shall be considered as separate places.

SEC. 17. No envelopes shall be used in the election of mayor, aldermen, common council, wardens or ward clerks of said cities.

SEC. 18. Unless some other form of oath be specially by law prescribed, every person elected to any town or city office, whether by the town, city council, or board of aldermen or town council, and every moderator, and warden, and ward and district clerk shall take the following engagement before he shall act therein, before a senator, judge, justice of the peace, public notary, the town clerk, the town council, or a member of the town council: You do solemnly swear, (or affirm,) that you will be true and faithful unto this state, and support the laws and constitution thereof, and the constitution of the United States; and that you will well and truly execute the office of for the ensuing year, or until another be engaged in your room, or until you be legally discharged therefrom; so help you God; (or, this affirmation you make and give upon peril of the penalty of perjury).

SEC. 19. The magistrate administering the oath shall make and deliver to such officer a certificate of the taking of such oath.

SEC. 20. Each collector of taxes shall give bond, with sufficient surety, to the town treasurer of the town for which he is chosen, in such sum as the said town or the town council of said town may appoint, not exceeding double the amount of the tax with the collection of which he shall be charged, for the faithful performance of such trust.

SEC. 21. In case of the death, resignation or removal of any collector of taxes, the collector who may be appointed to complete the collection thereof, shall have the same power to collect the same as is by law given to the collector first appointed.

SEC. 22. Whosoever shall be legally chosen to the office of surveyor of highways, and shall refuse to serve therein, shall forfeit

five dollars, to be recovered by the town treasurer, for the use of the town; and no person shall be obliged to serve in said office oftener than once in four years.

SEC. 23. Whosoever shall be legally chosen to the office of overseer of the poor, or of assessor of taxes, and shall refuse to serve therein, shall forfeit seven dollars, to be recovered by the town treasurer, for the use of the town; and no person shall be obliged to serve in either of said offices oftener than once in seven years.

SEC. 24. All town officers shall hold their offices until the next annual election of town officers, and thereafter until their successors shall be qualified by law to act; unless in cases in which it is expressly provided to the contrary.

SEC. 25. When a vacancy shall occur in any office by death, removal out of the town, or resignation, the town council may fill the same until the next town meeting.

CHAPTER 34.

OF THE TOWN COUNCIL.

SECTION

1. Quorum of town council, and what majority of, decides.
2. General power of town council.
3. Town councils to appoint weighers of slaughtered cattle.
4. May appoint field drivers.
5. May appoint inspector of saleratus and soda.
6. To appoint surveyors of lumber.
7. To elect town officers in case of failure or vacancy.
8. Clerk of council, who, and of clerk *pro tempore*.
9. Town council to elect town clerk *pro tempore*, when.
10. To remove surveyors of highways, when.
11. Powers of, as boards of health.

SECTION

12. To affix penalties to health laws.
13. To license or suppress shows or performances.
14. To tax or suppress bowling-alleys and billiard tables.
15. To make police regulations.
16. Penalties of police regulations.
17. To settle assize of bread.
18. Restriction on penalties of.
19. Of publication of ordinances of.
20. Power of, to appoint officers to execute ordinances of.
21. May hold lands in trust for burial uses.
22. Power of, and of members of, to administer oaths.
23. Bonds to town council how given.

SECTION 1. The major part of the persons elected members of any town council shall be a quorum; and a majority of the members present at any legal meeting may determine any matter legally before them.

SEC. 2. The council of each town shall have full power to manage the affairs and interests of such town, and to determine all such matters and things as shall by law come within their jurisdiction.

SEC. 3. The town councils of the several towns and cities shall,

annually, in the month of April, appoint, — the board of aldermen of Providence, not less than six; of Newport, not less than three; and the town councils of all other towns, not less than two persons, for the purpose of weighing neat-cattle slaughtered for sale in their respective towns.

SEC. 4. They may appoint one or more field drivers for their respective towns, with the same power to impound animals as the freeholders and qualified voters of the towns have.

SEC. 5. The town councils of the several towns may appoint an inspector of saleratus and bi-carbonate of soda, for each of their respective towns.

SEC. 6. The town councils of all towns, where boards, plank, timber, joist and scantling are imported for sale, shall, annually, on or before the first day of March, appoint one or more surveyors and measurers of boards, plank, timber, joist and scantling, removable at the pleasure of the council, who shall each be sworn, and give bond, with two sureties, in the sum of five hundred dollars, to the town treasurer, for the faithful discharge of the duties of said office.

SEC. 7. They shall, in case of failure of the town to elect to, or in case of vacancy in any office which they are empowered by law, or are delegated by the town to fill, elect suitable persons therefor.

SEC. 8. The town clerk shall be clerk of the council; but whenever any town clerk shall not appear at the time and place appointed for the meeting of the town council, the town council may appoint a clerk, pro tempore, who, after being duly engaged, shall do and perform all the duties enjoined by law on the town clerk as clerk of the council.

SEC. 9. Whenever it shall satisfactorily appear to the town council that the town clerk is disqualified, from any cause whatsoever, to exercise and perform the several duties of said office, they may and shall appoint a clerk, pro tempore, who shall be duly qualified as aforesaid, and shall be authorized to perform all the duties of town clerk, until such disability of the town clerk is, in the opinion of the town council, removed, or until a town clerk may be legally elected by the town.

SEC. 10. In case of the incapacity of any surveyor of highways, or of any tyrannous and unwarrantable exercise by him of the powers of his office, the town council may, after giving him such notice as they may deem reasonable, either suspend or altogether remove him from his office, and appoint another in his place.

SEC. 11. The several town councils and boards of aldermen shall be ex officio boards of health in their respective towns, and may make such rules and regulations not repugnant to law, as they shall judge proper, for the preservation of the health of the inhabitants thereof, the prevention and abatement of nuisances, the promotion of cleanliness, the removal of the causes and the prevention of the introduction and spread of any contagious or infectious disease therein; either by removing the inhabitants of their respective towns, or forbidding or regulating ingress or egress

of persons to and from the same, or any parts thereof, or otherwise; and in case of sea-port towns, by making rules and regulations respecting quarantine.

SEC. 12. They shall affix penalties for the breach of such rules and regulations by them made in their said capacity not exceeding three hundred dollars fine, or six months imprisonment for any one offence, unless otherwise provided by law, said fine to enure, one half thereof to the use of the complainant, and the other half thereof to the use of the town.

SEC. 13. The town councils and boards of aldermen may license, regulate, and if they shall find it expedient, prohibit and suppress theatrical performances, rope and wire dancing, and all other shows and performances in their respective towns, conforming to law.

SEC. 14. They may tax, regulate, and if they shall find it expedient, prohibit and suppress bowling-alleys and billiard tables in their respective towns, conforming to law.

SEC. 15. They may, from time to time, make and ordain all such ordinances and regulations, not repugnant to law, for the police of their respective towns; for the safety of their inhabitants from fire, fire-arms, fire-works, explosion of gunpowder from the quantity of or mode or place of storing the same, and against breaches of the sabbath, and habitual drunkenness in their respective towns and cities, as they may deem expedient.

SEC. 16. They may impose pecuniary penalties for the violation of such ordinances and regulations, not exceeding in amount twenty dollars, or imprisonment not exceeding ten days, in some jail or house of correction, for any one offence, to be prosecuted by some officer appointed for that purpose, and to be recovered to the use of the town, or of such person or persons, and in such proportions, as they, in their said ordinances and regulations, may designate.

SEC. 17. They may make laws and regulations for settling the assize of baker's bread in their respective towns, not contrary to the laws of the state, provided the penalty for any breach of the same shall not exceed five dollars, or the forfeiture of the bread not made in conformity thereto.

SEC. 18. No ordinance or regulation whatsoever, made by a town council, shall impose, or at any time be construed to continue to impose, any penalty for the commission or omission of any act punishable as a crime, misdemeanor, or offence by the statute law of the state.

SEC. 19. All such ordinances and regulations shall be printed and published in such manner as the town council may direct.

SEC. 20. They may appoint all necessary officers for the execution of their said ordinances and regulations; may define their duties, and fix their compensation, where provision may not be made by law, and may remove any such officers at pleasure; but no expense of process, commitment or detention, under such ordinances and regulations, shall be chargeable to the state.

SEC. 21. They may take and hold to them and their successors

in office, all such lands within their respective towns, as shall be conveyed to them in trust for burial purposes, and in like manner may receive and hold all funds that shall be conveyed to them for the purpose of ornamenting or keeping in repair such burial lots, and execute said trusts in accordance with the terms contained in the instruments of conveyance.

SEC. 22. The town council of any town, and each of the members thereof, may administer oaths in any matter pending before the council, and may engage town officers upon their warrants or commissions, and a record shall be made, or a certificate given of such engagements.

SEC. 23. In every case where bonds are required by law to be given to any town council, they may be given to the town council by name as such, without naming the individuals at the time constituting such council, and be sued in like manner; and no person shall be held disqualified as a witness in any such suit by reason of his being a member of the town council to whom the bond was given.

CHAPTER 35.

OF THE TOWN CLERK.

SECTION
1. General duties of town clerks.
2. May appoint deputies, and powers and qualification of deputies.
3. Responsibility of deputies, and who may take bond from.
4 and 5. Town clerk where to be twenty days preceding certain elections, and penalty for absence, unless he appoint a deputy.

SECTION 1. The town clerks of the several towns shall perform all the duties which are or may be by law imposed upon them.

SEC. 2. They may, by and with the approbation of the town council, appoint a deputy whenever such appointment shall be rendered necessary by the sickness of the town clerk, or when he is otherwise compelled to be absent from his office; and such deputy, so appointed, shall perform all the duties which are incumbent on the town clerk, being thereunto qualified by taking the oath of office.

SEC. 3. Any town clerk appointing a deputy as aforesaid, shall be responsible for the good conduct of the deputy; and may take bond with surety in such penalty as he may require, with condition for the faithful discharge of the duties of the office during the time which such deputy shall exercise the same; and such clerk may revoke such appointment and cancel such bond at his discretion.

SEC. 4. If any town clerk shall absent himself from his office between nine o'clock in the forenoon and twelve o'clock at noon, or between two and five o'clock in the afternoon, of any day

except Sunday, within twenty days next preceding any meeting held for the annual election of state or town officers, representatives in congress, or electors of president and vice-president of the United States, it shall be his duty to appoint a deputy clerk, whose duty it shall be to attend the office during such absence, and perform all the duties thereof.

SEC. 5. Any town or city clerk who shall refuse or wilfully neglect to appoint a deputy when absent as last aforesaid, shall be fined one hundred dollars.

CHAPTER 36.

OF THE TOWN TREASURER.

SECTION
1. Of bond of town treasurer.
2. Of his statement of and vouchers for his accounts.
3. Of his settlement of his accounts.
4 and 5. Duty to give copies of his statement and vouchers when, and penalty for neglect of.

SECTION 1. Every town treasurer, before he shall proceed to discharge the duties of his office, shall give bond with sufficient surety or sureties, to the town for which he is appointed, for the faithful discharge of the duties of said office, in such sum as shall be ordered by the town or town council of such town, to the satisfaction of the town or town council.

SEC. 2. The town treasurer of each town shall, at some annual town meeting of the town, make a statement of his accounts in writing, showing the several sums received and paid by him during the previous year, and showing in detail the persons to whom, and the purpose for which the payments were made.

SEC. 3. Such accounts shall be settled annually by the town council, or in such other way as the towns may severally direct; and when settled, the treasurer shall retain all his vouchers or receipts for the payments charged in such account, to be kept on file with the other papers of his office.

SEC. 4. Any person paying taxes on real or personal estate in the town, shall be entitled to certified copies of such statement of accounts, and of any of such vouchers from the town treasurer, upon payment to him therefor of the fees for copying and certifying allowed to town clerks for like services.

SEC. 5. Any town treasurer who shall neglect to make the annual statement as above required, shall forfeit and pay to the town the sum of one hundred dollars for every such neglect.

TITLE VIII.

Of the Levy, Assessment and Collection of Taxes.

CHAPTER 37. Of property liable to taxation.
CHAPTER 38. Where and to whom property is taxable.
CHAPTER 39. Of the levy and assessment of taxes.
CHAPTER 40. Of the collection of taxes.
CHAPTER 41. Of state taxes.
CHAPTER 42. General provisions concerning taxes.

CHAPTER 37.

OF PROPERTY LIABLE TO TAXATION.

SEC. 1. Property liable to taxation. | SEC. 2. Property exempt from taxation.

SECTION 1. All real property in the state, and all personal property belonging to the inhabitants thereof shall be liable to taxation, unless otherwise specially provided.

SEC. 2. The following property, and no other, shall be exempt from taxation: Property belonging to the state; land ceded or belonging to the United States; houses for religious worship; houses for schools, academies and colleges, and all the appurtenances thereto belonging, owned by any town, company or corporation, and the land used in connection therewith, so far as the same is held, occupied and used for, and the rents and profits thereof are applied to, religious or educational purposes; property specially exempted by charter; lots of land used exclusively for burial grounds; land of the Narragansett Indian tribe, held either by the tribe or in severalty according to their usages, but not including any land owned by a member of the tribe in fee-simple; the estate of any person who, in the judgment of the assessors, from infirmity or poverty, is unable to pay the tax; almshouses and public libraries, and the land and buildings used in connection therewith, except that almshouse estates belonging to the town, shall be subject to taxation for school purposes in the school districts in which they are situated.

CHAPTER 38.

WHERE AND TO WHOM PROPERTY IS TAXABLE.

SECTION
1. Real estate, where taxed.
2. Buildings on leased land deemed real estate.
3. Main wheel, steam-engine, boilers, &c., when deemed real estate.
4. Real estate to be assessed to the owners; each parcel to be valued.
5. Mortgagor in possession deemed the owner of real estate.
6. Tenant for life deemed the owner.
7. Undivided real estate of persons deceased, to whom assessed until record or notice of division.
8. Real estate to be assessed to last known owner until record or notice of conveyance.
9. Real estate assessed by mistake, when liable for tax.

SECTION
10. Personal property, where taxed.
11. Personal property, what included for purposes of taxation.
12. Machinery and fixtures of certain kinds, and live-stock and farming tools on farms, where taxed.
13. Merchandise, &c., of non-residents of this state, where and to whom taxed.
14. Property of residents located and taxed in other states exempt from taxation.
15. Personal property held in trust, the income of which is paid to others, how, where and to whom assessed.
16. Other personal property in the hands of executors, &c., where and to whom taxed.
17. Religious and benevolent societies, personal property of, where taxed.

SECTION 1. All real estate shall be taxed in the town where the same is situated.

SEC. 2. Buildings on leased land, the leases whereof are in writing and recorded, shall, for the purposes of taxation be deemed real estate.

SEC. 3. The main wheel, steam-engine, boilers and shafts, whether upright or horizontal, drums, pulleys and wheels attached to any real estate for operating machinery, and all steam pipes, gas pipes, water pipes attached to, and all kettles set and used in, any manufacturing establishment, are declared to be real estate when owned by the owners of the real estate to which they are attached.

SEC. 4. Taxes on real estate shall be assessed to the owners, and separate tracts or parcels shall be separately described and valued as far as practicable.

SEC. 5. The mortgagor shall be deemed to be the owner of mortgaged real estate, so long as the same is in his possession.

SEC. 6. Estates in possession of a tenant for life may be taxed to the tenant for life, who for the purposes of taxation shall be deemed the owner.

SEC. 7. Undivided real estate of any deceased person may be assessed to the estate or heirs or devisees of the deceased generally, until a record of a division be made, or until they give notice to the assessors of the division and of the names of the persons holding the portions thereof; and each heir or devisee shall be liable

for the whole of the tax, and may recover from the others their proper proportion thereof if paid by him.

SEC. 8. Real estate may be assessed to the last known owner until a conveyance thereof be recorded or notice of a conveyance be given to the assessors; and until then such last known owner shall be liable therefor as well as his estate and the real estate intended to be assessed, if the same can be identified.

SEC. 9. If in assessing real estate, the same be assessed by mistake to a person not the owner, such tax may nevertheless be collected from such real estate, provided the same be described so as to be identified.

SEC. 10. All ratable personal property shall be taxed in the town where the owner shall have had his actual place of abode for the larger portion of the twelve months next preceding the first day of April in each year.

SEC. 11. Personal property, for purposes of taxation, shall be deemed to include all goods, chattels, debts due from solvent persons, moneys and effects, wherever they may be; all ships or vessels at home or abroad; all public stocks and securities, and stocks or shares in turnpikes, bridges, and in all other corporations, except those established for religious or charitable purposes, within or without the state, deducting the actual indebtedness of the person taxed as far as the same can be ascertained, from the amount of such property owned by him; — provided that no shareholder shall be deemed liable to taxation for shares held in corporations within this state, which are in their corporate capacity taxed for the amount of their capital stock.

SEC. 12. The fixtures enumerated in the third section of this chapter; all picking, carding, spooling, drawing, spinning and reeling frames, dressing and warping machines, looms, tools and machines of all sorts, propelled by steam or water-power in any factory, machine shop, print works, or manufacturing establishment of any kind, and all live-stock and farming tools on farms, shall be taxed to the owner in the town where they are situated, in the same manner as if he resided there.

SEC. 13. Merchandise, stock in trade, lumber and coal, stock in livery-stables, machinery and machine tools, being in buildings, or on wharves, or otherwise located in any town, and belonging to persons not residing in this state, shall be taxed to the owners in the towns where the property may be where the tax is assessed.

SEC. 14. Persons residing in this state, and owning property of the description mentioned in the last section, located in and taxable in any other state, shall not be taxed therefor in this state.

SEC. 15. All personal property held in trust by any executor, administrator, or trustee, the income of which is to be paid to any other person, shall be assessed against the executor, administrator or trustee, in the town where such other person resides; but if such person resides out of the state, then in the town where the executor, administrator or trustee resides; and if there be more than one such executor, administrator or trustee, then in equal

proportions to each of such executors, administrators and trustees, in the towns where they respectively reside.

SEC. 16. All other personal property in the hands of executors or administrators, shall be taxed to them in the town where the deceased person resided, and all such property in the hands of guardians, shall be taxed to them in the town where the ward may reside, if in this state, and if not, where the guardian may reside.

SEC. 17. The personal property of religious or benevolent societies shall be taxed in the town where the corporation holds its meetings.

CHAPTER 39.

OF THE LEVY AND ASSESSMENT OF TAXES.

SECTION
1. Electors may levy a tax, and order time of assessment and payment.
2. Board of assessors of the city of Providence, how elected.
3. Property to be assessed at its cash value.
4. Assessment, when to be made.
5. Assessors to give notice to bring in lists of property.
6. Accounts brought in to be under oath; no remedy for over tax in case of neglect.
7. Assessors to make a tax of all the ratable property in the town, and assess real and personal estate separately.
8. Assessors may assess at its fair cash value the property of persons bringing in an account.
9. Remedy of such persons if over taxed, by petition.
10. If true account was given in, judgment to be for the amount over taxed, with costs.
11. Petition, not to stay proceedings for collection.
12. Assessment to be deposited in the office of the town clerk.
13. Town clerk to deliver copy to the town treasurer.
14. Town treasurer's warrant for collection of taxes.

SECTION 1. The electors of any town, qualified to vote upon a proposition to impose a tax, when legally assembled, may levy a tax for the purposes authorized by law, on the ratable property of the town, either in a sum certain, or in a sum not less than a certain sum, and not more than a certain sum, or, in a certain percentage on the valuation of such property to be made by the assessors of the town; and may order the time when such tax shall be assessed, and when the same shall be paid.

SEC. 2. In the city of Providence, the city council may annually and whenever a vacancy shall occur, elect a board of assessors, who shall assess all taxes ordered by the city council upon persons and property, under such rules and regulations, not repugnant to law, as the city council may from time to time prescribe.

SEC. 3. All property within this state liable to taxation shall be assessed at its full and fair cash value.

for the whole of the tax, and may recover from the others their proper proportion thereof if paid by him.

SEC. 8. Real estate may be assessed to the last known owner until a conveyance thereof be recorded or notice of a conveyance be given to the assessors; and until then such last known owner shall be liable therefor as well as his estate and the real estate intended to be assessed, if the same can be identified.

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SEC. 12. The fixtures enumerated in the third section of this chapter; all picking, carding, spooling, drawing, spinning and reeling frames, dressing and warping machines, looms, tools and machines of all sorts, propelled by steam or water-power in any factory, machine shop, print works, or manufacturing establishment of any kind, and all live-stock and farming tools on farms, shall be taxed to the owner in the town where they are situated, in the same manner as if he resided there.

SEC. 13. Merchandise, stock in trade, lumber and coal, stock in livery-stables, machinery and machine tools, being in buildings, or on wharves, or otherwise located in any town, and belonging to persons not residing in this state, shall be taxed to the owners in the towns where the property may be where the tax is assessed.

SEC. 14. Persons residing in this state, and owning property of the description mentioned in the last section, located in and taxable in any other state, shall not be taxed therefor in this state.

SEC. 15. All personal property held in trust by any executor, administrator, or trustee, the income of which is to be paid to any other person, shall be assessed against the executor, administrator or trustee, in the town where such other person resides; but if such person resides out of the state, then in the town where the executor, administrator or trustee resides; and if there be more than one such executor, administrator or trustee, then in equal

proportions to each of such executors, administrators and trustees, in the towns where they respectively reside.

SEC. 16. All other personal property in the hands of executors or administrators, shall be taxed to them in the town where the deceased person resided, and all such property in the hands of guardians, shall be taxed to them in the town where the ward may reside, if in this state, and if not, where the guardian may reside.

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4. Assessment, when to be made.
5. Assessors to give notice to bring in lists of property.
6. Accounts brought in to be under oath; no remedy for over tax in case of neglect.
7. Assessors to make a tax of all the ratable property in the town, and assess real and personal estate separately.
8. Assessors may assess at its fair cash value the property of persons bringing in an account.
9. Remedy of such persons if over taxed, by petition.
10. If true account was given in, judgment to be for the amount over taxed, with costs.
11. Petition, not to stay proceedings for collection.
12. Assessment to be deposited in the office of the town clerk.
13. Town clerk to deliver copy to the town treasurer.
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SECTION 1. The electors of any town, qualified to vote upon a proposition to impose a tax, when legally assembled, may levy a tax for the purposes authorized by law, on the ratable property of the town, either in a sum certain, or in a sum not less than a certain sum, and not more than a certain sum, or, in a certain percentage on the valuation of such property to be made by the assessors of the town; and may order the time when such tax shall be assessed, and when the same shall be paid.

SEC. 2. In the city of Providence, the city council may annually and whenever a vacancy shall occur, elect a board of assessors, who shall assess all taxes ordered by the city council upon persons and property, under such rules and regulations, not repugnant to law, as the city council may from time to time prescribe.

SEC. 3. All property within this state liable to taxation shall be assessed at its full and fair cash value.

SEC. 4. The assessors shall assess and apportion any tax on the inhabitants of the town and the ratable property therein, at the time ordered by the town.

SEC. 5. Before assessing the same, they shall set up notices of the time and place of their meeting, in three public places in the town, for three weeks, or advertise in some newspaper printed or published in the town the same space of time, requiring every person and body corporate liable to taxation, to bring in unto them a true and exact account of all his ratable estate, describing and specifying the value of every parcel of his real and personal estate, at such time as they may prescribe.

SEC. 6. Every person bringing in any such account, shall make oath before some one of the assessors that the account by him exhibited contains, to the best of his knowledge and judgment, a true and full account and valuation of all his ratable estate; and whoever neglects or refuses to bring in such account, if over taxed shall have no remedy therefor.

SEC. 7. The assessors shall make a list containing the true, full, and fair cash value of all the ratable estate in the town, placing real and personal estate in separate columns, and distinguishing those who give in an account from those who do not; and shall apportion the tax accordingly.

SEC. 8. If any person shall bring in an account as aforesaid, the assessors shall nevertheless assess such person's ratable estate at what they deem its full and fair cash value.

SEC. 9. Any person aggrieved thereby, may, within six months after the time appointed for the payment of such tax, petition the court of common pleas for the county, which court shall give reasonable notice to the assessors to answer the same, and if on trial it shall appear that such person has concealed or omitted any property, or has not placed a fair value thereon, the assessors shall have judgment and execution for their costs.

SEC. 10. If it shall appear to the court that a true account was given in, they shall give judgment that the sum in which such person was over taxed, with his costs, be deducted from his tax; but if such person's tax be paid, or if the amount over taxed and costs, be more than the tax, then the same or the overplus shall be paid by the town treasurer out of the treasury, on producing a copy of the judgment.

SEC. 11. No such petition shall before judgment stay any proceedings for collecting the tax.

SEC. 12. The assessors on completing the assessment as aforesaid, shall sign and deposit the same in the office of the town clerk.

SEC. 13. The town clerk shall make a copy of the same, and deliver it to the town treasurer.

SEC. 14. The town treasurer shall forthwith issue a warrant under his hand, and which need not be under seal, and affix the same to said copy, directed to the collector of taxes of the town, commanding him to proceed and collect the several sums of money

therein expressed of the persons and estates liable therefor, by the time directed by the town, and to pay over the same to him or his successor in office.

CHAPTER 40.

OF THE COLLECTION OF TAXES.

SECTION

1. Collector to collect and pay taxes to the town treasurer.
2. Taxes assessed, a lien on real estate.
3. Lien, how long to continue.
4. Buildings on leased land, lien not affected by removal.
5. Check on a bank, received by the collector, not to affect lien on property.
6. Rents and profits, growing wood, or the land may be sold to pay tax, when and how; surplus to be paid to owner.
7. Surplus, if no owner to be found, to be paid to town treasurer.
8. Tax may be collected from either real or personal estate.
9. Tenant for life, his interest only liable for tax.
10. Collector may advertise and sell.
11. Real estate may be sold after notice; notice, how given.
12. Notice, how given in case of residents.
13. Notice to persons not taxed who have an interest in the property taxed.
14. If such persons are non-residents, a copy of the notice to be sent by mail.
15. Entry upon the land not necessary; return to be made to town clerk under oath; effect of return.
16. Deed of real estate sold by collector or sheriff for taxes, what title vested thereby in the purchaser.
17. Owner may redeem within one year.
18. Collector may distrain and sell personal property.
19. Property exempt from distraint.
20. Sales of personal property; notice of, how given.

SECTION

21. Same subject.
22. Property to be sold by auction if tax is not paid.
23. Surplus to be returned to the owner.
24. Collector may remove personal property for sale.
25. Collector may follow persons or property to another town.
26. Sales may be adjourned.
27. Collector may recover tax in an action of the case.
28. Judgment in such cases; execution, how to issue; effect of levy.
29. Collector may cite the attorney, agent, &c., or debtor, if the person taxed is out of the state.
30. Warrant of distress to issue if the person cited neglects to appear.
31. Payment of the tax to bar any action by the absent person.
32. Arrests for taxes, when to be made.
33. Persons committed to jail, entitled to relief.
34. Town treasurer may call special court upon collector and sureties.
35. Execution in such cases, how issued and served.
36. Alias execution to be issued against sureties, if estate of collector is insufficient.
37. Warrants for collecting taxes to continue in force until the tax is collected.
38. Oath of collector, *primâ facie* evidence of demand.
39. Collector may require aid.
40. Collector may be removed.

SECTION 1. The collector of taxes of the town shall collect any tax levied by the town, by the time directed for the payment

thereof, and shall pay over the same to the town treasurer, or his successor in office, by the time limited therefor.

SEC. 2. All taxes assessed against any person in any town for either personal or real estate, shall constitute a lien on his real estate therein.

SEC. 3. All taxes assessed against the owner of any real estate shall constitute a lien on such real estate in any town, for the space of two years after the assessment, and if such real estate be not aliened, then until the same are collected.

SEC. 4. If any building on leased land described in section two, chapter thirty-eight, be removed, the lien thereon shall not be affected, but the collector may follow the same out of the town if necessary, and sell it with the same effect as if not removed.

SEC. 5. The collector shall, in case he receives a check on any bank, payable at a future day, for the tax of any person or corporation, hold a lien on the property of any such person or corporation, the same as if such check had not been delivered; provided said check shall be presented within ten days after the expiration of the time of its being due.

SEC. 6. Whenever the real estate cannot in the judgment of the collector, be divided without detriment, the collector, under the direction of the town council, may sell the wood growing on said land, or the rents and profits of the whole, at public auction for a term of time sufficient to satisfy the tax, interest and expenses, or may, under their direction, sell the whole, and shall pay over the surplus, if any, in either case, to the owner or any person entitled to receive it.

SEC. 7. If no owner or person entitled to receive the same be found by the collector, he shall pay over such surplus to the town treasurer, who shall hold the same subject to the call of the legal owner thereof.

SEC. 8. If any person is taxed for several parcels of real estate, or for personal and real estate in the same tax, the whole of such person's tax may be collected, either out of the real or personal estate, or any part thereof: *Provided*, that no land aliened shall be sold, if the person taxed have other sufficient property.

SEC. 9. In case of a life-estate, the interest of the tenant for life only shall be liable for the tax.

SEC. 10. The collector may advertise and sell any real estate liable for taxes, in the manner hereinafter directed.

SEC. 11. In all cases where any parcel of real estate is liable for payment of taxes, so much thereof as is necessary to pay the tax, interest, cost and expenses, shall be sold by the collector, at public auction, to the highest bidder, after notice has been given of the levy, and of the time and place of sale, in some newspaper printed in the town, if there be one, and if there be no newspaper printed in the town, then in some newspaper printed in the state, for the space of three weeks. If there be no newspaper printed in the town, he shall also post up notices in two or more public places of the town for the same period.

SEC. 12. If the person to whom the same is taxed be a resident

of this state, the collector shall, in addition to the foregoing, cause notice of the levy and of the time and place of sale, to be left at his last and usual place of abode, at least twenty days previous to the day of sale.

SEC. 13. In case the collector shall advertise for sale any property, real, personal or mixed, in which any person other than the person to whom the tax is assessed, has an interest, he shall, provided the interest of such other person appears upon the records of the town, leave a copy of the notice of said sale, at the last and usual place of abode or place of business of such other person, if within this state, twenty days prior to the time of such sale.

SEC. 14. If such other person have no last and usual place of abode or place of business within this state, then a copy of said notice shall be sent by mail to such person, at his place of residence, if known, twenty days prior to the time of such sale.

SEC. 15. No entry upon the land by the collector shall be deemed necessary; but the collector, in all cases of sales of real estate, shall make a return of all his proceedings under oath into the town clerk's office, within ten days after the sale; which return shall be *primâ facie* evidence of the facts therein stated.

SEC. 16. The deed of any real estate, or of any interest therein, sold for the payment of taxes, made and executed by the sheriff or collector who shall sell the same, shall vest in the purchaser, subject to the right of redemption hereinafter provided, all the estate, right and title the owner thereof had in and to such real estate at the time said tax was assessed, free from any interest or incumbrance thereon of any person to whom the notice required by the provisions of this chapter shall have been given; and the recitals in such deed shall be *primâ facie* evidence of the facts stated.

SEC. 17. The person who owned any real estate sold for taxes, at the time of the assessment, or any interest therein, his heirs, assigns or devisees, may redeem the same upon repaying to the purchaser the amount paid therefor, with twenty per cent. in addition, within one year after the sale, or within six months after final judgment has been rendered in any suit in which the validity of the sale is in question, provided said suit be commenced within one year after such sale.

SEC. 18. The collector may distrain personal property, except as provided in the section next following, and may sell the same, in the manner hereinafter directed.

SEC. 19. All property that is or may be exempted from attachments in civil actions, and that may be exempted by the militia laws of this state, or the United States, from attachment or distress, shall not be liable to be distrained for any taxes whatever.

SEC. 20. In all cases where personal property shall be levied upon by any collector, he shall cause notice thereof, and of the time and place of sale to be left at the last and usual place of abode of the owner, or personally to be given to him at least five days previous to the appointed time of sale.

SEC. 21. In case such owner have no last and usual place of abode in the state, and personal notice cannot be given him in the

state, then, and also in all other cases the collector shall advertise the same for three successive weeks in a newspaper printed in the town, if there be one, and shall also post up notices in three public places in said town, at least twenty days previous to said appointed sale.

SEC. 22. If such owner do not pay the amount of the tax, with the interest or percentage and all costs and charges, by the time appointed for the sale, the collector shall sell the same, or enough to pay said sums, at public auction.

SEC. 23. Any property, or surplus of money remaining, shall be returned to the owner, or any person entitled to receive it. If no owner, or person entitled to receive the same can be found by the collector, he shall deliver such property or surplus of money to the town treasurer, who shall hold the same, subject to the call of the legal owner thereof.

SEC. 24. Any collector may remove personal property for sale to any town or place, where it may be sold to the best advantage, giving notice to the owner as before provided, and also notice in the town or place where the sale is to be made.

SEC. 25. If any person or property taxed in one town, removes or is removed into another town before the tax is collected, the collector may follow such person or property into any town, and levy or collect the tax with the same power as if not removed.

SEC. 26. Any sale of real or personal estate, or of any interest therein, liable for the payment of taxes by the provisions of this chapter, may be adjourned from time to time.

SEC. 27. The collector of any tax may recover the amount of any tax in an action of the case against the person taxed, before the court of common pleas, or supreme court, and in the declaration it shall be sufficient to set forth that it is to recover
being a tax assessed against the defendant in the town of
specifying the time of ordering and assessing said tax.

SEC. 28. If judgment be rendered in favor of the collector he shall be allowed for his reasonable trouble in attending to the suit, to be taxed by the court in the bill of costs, and execution shall issue against the real as well as personal estate of the defendant, and the levy of the execution upon any real estate upon which a lien for such tax is created by this chapter, shall be deemed to relate back, and take effect from the time of commencement of such lien.

SEC. 29. If any person legally taxed shall be out of the State, or depart therefrom, leaving no property liable for said tax, the collector may cite the attorney, agent, factor, trustee or debtor of such person, before any justice of the peace in the town where the tax is assessed, to declare on oath how much property, if any, of such absent person he has in his possession; and if he has sufficient property he shall forthwith pay such tax and charges, or deliver the collector sufficient property therefor.

SEC. 30. If any person so cited shall neglect to appear, or refuse to make oath, or having made oath shall refuse to pay such tax and charges, or to deliver to the collector sufficient property there-

for, if such he has, such justice shall forthwith grant to the collector a warrant of distress against the proper goods and chattels of such person so cited, and the collector may distrain and sell the same wherever found, or so much thereof as will pay the tax and all interest and expenses, in manner provided by this chapter.

SEC. 31. If the person so cited shall pay said tax and charges, or deliver property therefor, or have his own property sold therefor, such proceeding shall be sufficient to bar any action brought therefor by the absent person.

SEC. 32. If any person legally taxed in any town shall neglect or refuse to pay his tax, if no estate, real or personal, can be found by the collector to attach or distrain, he shall, by the collector, be committed to the jail in the county, there to remain until he shall pay the tax, interest and costs, or be otherwise lawfully discharged; and if such person removes from the town, the collector may follow and apprehend him, if found anywhere within the state.

SEC. 33. Any person committed to jail for any state or town or school district tax whatever, shall be entitled to relief in the same manner as now is or may be provided in the case of poor persons imprisoned for debt.

SEC. 34. The town treasurer may call a special court upon any collector and his sureties, who shall neglect to pay in any tax to the town treasury by the time limited therefor.

SEC. 35. In any execution issued by such court against any such collector or his sureties, the words "or real estate" shall be inserted in the mandatory part thereof, immediately after the words "goods or chattels," and the officer charged therewith shall immediately attach and take possession of all the estate, real and personal, of such collector, within his precinct, and shall immediately advertise the same to be sold within twenty days thereafter at public auction; and he shall cause enough thereof to be sold to pay the amount of such execution, and all incidental costs and expenses: and said sale may be adjourned from time to time.

SEC. 36. If no estate of the collector can be found in the precinct of the officer, or the same be insufficient, the officer shall make return thereof to the clerk's office, and an alias execution shall immediately be issued against the sureties of such collector, for the amount unpaid, and costs and expenses, which shall be levied upon their estates and proceeded with, in manner as directed above concerning collectors.

SEC. 37. All warrants for the collecting of taxes shall continue in force until the whole tax is collected, notwithstanding the time appointed for collecting the tax, or the year of office may have expired, and notwithstanding the collector may have paid the tax into the town treasury.

SEC. 38. In all cases where a demand is required to be made before proceeding to collect a tax, the oath of the collector shall be admitted as *primâ facie* evidence thereof.

SEC. 39. Every collector shall have the same right to require the aid or assistance of the persons present, in the performance of his duty, which a sheriff now has by law.

SEC. 40. Any collector may be removed from office by the town at discretion, in which case a new warrant may issue to the new collector for the collection of the portion of any tax not collected if not already paid in.

CHAPTER 41.

OF STATE TAXES.

SECTION
1. Secretary of state to send copy of act imposing a tax to the town clerks; clerks to notify assessors; assessors to assess tax.
2. Persons overtaxed to have same remedy as in case of town tax.
3. Assessment to be deposited in office of town clerk, and a copy sent to the general treasurer.
4. General treasurer to issue warrant to the town collector.
5. Collection to be made as in case of town taxes.
6. General treasurer may call special court upon delinquent collector and sureties.
7. Warrant of distress to issue against town treasurer, in case of neglect to deliver delinquent collector's bond.
8. Warrant of distress, how and by whom served.
9. Forfeiture for neglect to assess and collect the town's proportion of a state tax.

SECTION 1. Whenever any tax is hereafter ordered by the general assembly to be assessed and levied on the inhabitants or ratable estates within this state, and no special provision is otherwise made in the act ordering said tax, the secretary of state shall forthwith send a certified copy of the act imposing the tax, unto the town clerk of every town, who shall notify the assessors thereof and deliver such copy to them; and the assessors shall immediately give notice and proceed to assess the same or their town's proportion thereof, in the same manner as is by law provided for town taxes.

SEC. 2. Any person having brought in a list of his ratable estate, if overtaxed, shall have the same remedy therefor as if it were a town tax; and if on petition, judgment be given that such person is overtaxed, or if any person's tax for any cause be not collected, the deficiency caused thereby in the town tax shall be paid to the state by the town treasurer out of the town treasury.

SEC. 3. The assessors having completed the assessment, shall sign and deposit the same in the office of the town clerk of the town, who shall forthwith send a copy thereof to the general treasurer, with the names of the town treasurer and collector of taxes of the town and their post-office address.

SEC. 4. The general treasurer shall forthwith issue his warrant under his hand and which need not be under seal, affixed to said copy, to the collector of the town, commanding him in the name

of the state to collect the several sums therein expressed against each person's name, by such time as by law is limited, and to pay over the same to him or his successors in office.

SEC. 5. The collector shall proceed forthwith to collect the same in the same manner as is provided in case of town taxes.

SEC. 6. The general treasurer may call a special court upon any delinquent town collector and his sureties, and the proceedings shall be the same as are provided in sections thirty-four, thirty-five and thirty-six, of chapter forty as near as may be.

SEC. 7. If any town treasurer shall neglect or refuse to deliver to the general treasurer any delinquent collector's bond for suit, the general treasurer shall immediately issue a warrant of distress against such town treasurer, directed to the sheriff or his deputy of the county in which such town treasurer resides.

SEC. 8. Such sheriff or deputy shall forthwith attach and take possession of all the real and personal estate of such town treasurer, and sell the same at public auction in the same manner as in case of a delinquent collector, and if such estate be not sufficient to pay the deficiency of the tax for which such town treasurer is in arrear, with costs, he shall be committed to jail, and remain there until such tax and costs are fully paid.

SEC. 9. If the assessors neglect to assess, or the collector to collect, any town's proportion of a state tax, or if any town neglect to appoint assessors or a collector, the town shall forfeit double the amount of their proportion of the tax, to be recovered by the general treasurer in an action of debt against the delinquent town, and to be collected on execution from the property of the town or the inhabitants thereof; and the general assembly may also provide by special act for collecting such town's proportion of the tax in addition to said forfeiture.

CHAPTER 42.

GENERAL PROVISIONS CONCERNING TAXES.

SECTION
1. Towns may provide for deduction, if tax is paid, and impose percentage, if tax is not paid.
2. Officers neglecting to perform duties required of them, liable to be indicted.
3. Town taxes to have preference, in cases of insolvency.
4. Compensation of assessors, town clerks and collectors.
5. Provisions of this title applicable to highway and school district taxes.

SECTION 1. Any town may provide for such deduction from the tax assessed against any person if paid by an appointed time, or for such penalties by way of percentage on a tax, if not paid at the time appointed, not exceeding twelve per cent. per annum, as they shall deem necessary to insure punctual payment.

SEC. 2. If any officer shall neglect or refuse to perform any duty imposed upon him in this title, or shall not comply with the provisions thereof, or shall in anywise violate any provisions thereof, he shall be liable to be indicted therefor, and on conviction, to be imprisoned not exceeding one year, or fined not exceeding five hundred dollars, which fine, in case it be a state tax, shall be paid into the state treasury, or, if a town tax, into the town treasury, or a school district tax, into the district treasury.

SEC. 3. Whenever any person shall become insolvent or die insolvent, town taxes due from him shall have preference, after debts or taxes due the United States and this state, over all other debts or demands, save those due for necessary funeral charges and for attendance and medicine during his last sickness.

SEC. 4. Assessors shall receive such compensation as the town may allow; town clerks shall be paid for copying tax bills as for other copies; and collectors shall be paid for collecting at the rate of five per cent. unless they shall have agreed with the town for a less sum; which fees shall be paid out of the town treasury. In case of distraint of personal property, or levy on land, the collector shall have the same fees as the sheriff in similar cases.

SEC. 5. The provisions of this title shall apply to all highway and school district taxes, so far as they may be applicable.

TITLE IX.

Of Highways, Bridges and Ferries.

CHAPTER 43. Of laying out and making highways and driftways.
CHAPTER 44. Of repairing highways and bridges.
CHAPTER 45. Of certain bridges.
CHAPTER 46. Of guide boards.
CHAPTER 47. Of travelling on highways.
CHAPTER 48. Of ferries.

CHAPTER 43.

OF LAYING OUT AND MAKING HIGHWAYS AND DRIFTWAYS.

Proprietors' highways.

SECTION
1. Proprietors shall lay out highways.

Highways laid out by town councils.

2. Town councils may lay out highways.
3. May appoint men to mark out highway.
4. How the men appointed shall proceed in marking out highway.
5. How damage shall be settled.
6. Plan of new highway to be made and returned.
7. Parties interested to be notified.
8. Action of town council on the report.
9. Town councils may lay out driftways.
10. Proceedings in laying out same.
11. Gates and bars on same, how maintained.
12. Appeal from laying out highway, how and by whom taken.
13. Appeal, how tried.
14. Damages and charges for laying out highway, how to be paid, and how to be recovered.
15. Town councils may lay out new highways in place of any they may declare useless.

Highways declared such after twenty years' use.

SECTION
16. In what cases lands become public highways from twenty years' use.
17. How town council shall proceed before declaring such lands to be highways.
18. Appeal from such proceedings, by whom and how taken.
19. Such highways to be platted.
20. Town council may widen such highways.
21. When no plat of such highway has been made, how town council shall proceed.
22. Proceedings of town council, evidence against whom and with what effect.

Land conveyed by deed for highways.

23. Of highways created by deed, how opened and repaired.

Land dedicated to highways and other purposes.

24. Of the interest acquired by the public in lands by dedication or user, and remedies for injuries thereto.

SECTION
25. Town not liable to repair highway so acquired until declared such by the town council.

SECTION
Discontinuance of highways.
26. Town councils may declare highways useless; consequences of such declaration; cannot alter highway laid out by general assembly.

Highways laid out by proprietors.

SECTION 1. The proprietors of lands in each and every town shall lay out suitable, necessary and convenient highways within their respective proprieties, from town to town, and to mills and markets, and generally wherever they may be wanted; and all highways duly laid out and approved by such proprietors, and recorded in their records, shall be good, binding and valid, as though laid out and established in any other manner whatsoever.

Highways laid out by town councils.

SEC. 2. The town councils of the several towns may order highways to be laid out, so far and through such part of their respective towns, as they may judge necessary.

SEC. 3. For the due marking out of any such highway, the town council shall appoint three suitable and indifferent men, not interested or concerned in the land through which such highway is to pass, who shall be sworn by the town council, or by the justice of the peace who shall be named to accompany them, for the faithful discharge of their trust.

SEC. 4. Said three men, being accompanied by one justice of the peace and one constable, or the town sergeant of the town, to be named by the town council for that purpose, shall go to the place where such highway is ordered to begin, and from thence proceed to survey, bound and mark out a highway conformable to the direction of the town council; and they shall take care to lay it in such manner as may be most advantageous to the public, and as little as may be to the injury of the owners of the land through which it passes.

SEC. 5. They shall also agree with the owners for the damage they shall sustain, if any, by means of such highway passing through their lands; and in case they cannot agree with the owners, the town council shall value and appraise the damage, if any.

SEC. 6. They shall, after having laid out said highway as aforesaid, cause an exact draught or plan thereof to be made, which, together with the proper return of their whole doings in writing, under their hands and seals, shall be by them presented to the town council.

SEC. 7. The council thereupon shall cause notice to be given to all parties to appear before them if they shall see cause, and be heard for or against receiving the report; notice to parties, living without the state, shall be given by advertisement, three weeks successively, in some newspaper printed within the state.

SEC. 8. The council shall, after the hearing, proceed to receive or reject the report, as to them shall appear just and right; and if the report be approved and received, they shall cause the same to be recorded, and the highway to be established and laid open, by removing all buildings, fences and other impediments therein, which shall be done by the town sergeant or constable of the town, under a warrant from the town council to him directed for that purpose.

SEC. 9. The several town councils are empowered to lay out driftways in their respective towns, in such places and of such widths as they shall think necessary, as fully as by law they are empowered to lay out highways.

SEC. 10. Driftways shall be laid out in the same manner, and under the same regulations, in every respect, as highways; the damage shall be ascertained in the same manner as in laying out highways.

SEC. 11. The town council may order and direct who shall be at the charge of maintaining gates and bars where any driftway shall be laid out, and also whether the same shall be furnished with gates or bars.

SEC. 12. If any person, through whose land a highway or driftway is laid, shall be aggrieved by the doings of the committee or town council, he may appeal to the next court of common pleas to be holden for the county; giving bond to the town to prosecute his appeal, and producing an attested copy of the whole proceedings to such court and filing his reasons of appeal with the clerk of the court, ten days before the sitting thereof.

SEC. 13. Such appeal shall be tried with or without a jury, in the same manner as other causes pending in said court, and the judgment of said court shall be final therein except as to matters of law, which may by either party be brought before the supreme court, in the same manner, and with like effect, as is provided in cases of which the court of common pleas have exclusive original cognizance without appeal.

SEC. 14. The charges for laying out any highway or driftway, and all such damages as shall be agreed for or adjudged to any person through whose land such highway or driftway is laid, either by the committee, town council or court, shall be paid by the town treasurer of the town in which the highway or driftway is laid; and if he shall refuse or neglect to pay the same, an action may be brought and maintained for such money, by the person to whom the same is due and payable.

SEC. 15. The town councils of the several towns shall have full power and authority, in manner as aforesaid, to lay out new highways instead of any which they shall judge to be inconvenient or useless.

Highways declared such after twenty years' use.

SEC. 16. All lands which have or shall be quietly, peaceably and actually used and improved, and considered as public highways or

streets, for the space of twenty years, and which shall be declared by the town council of the town wherein they lie, to be public highways, shall be taken and considered as public highways to all intents and purposes, as fully and effectually as if the same had been regularly laid out, recorded and opened by the town council of the town where such lands may lie.

SEC. 17. It shall be the duty of every town council before they proceed to act under the provisions of the next preceding section, to give personal notice of their intention to all persons interested, or who may have any claim to the land over which such highway passes, as described in said section, if known to reside in this state; and if not known, or if known to reside without the state, then by an advertisement to be inserted in one or more public newspapers printed within the state, for three weeks successively, to the intent that all persons interested may have an opportunity to show cause why such proceedings as are authorized as aforesaid, should not be had.

SEC. 18. In all cases, any person who shall be aggrieved by such proceedings, shall have liberty to appeal therefrom to the next court of common pleas within the county in which such highway lies; first giving bond and filing reasons of appeal in the manner provided and required in the twelfth section of this chapter, whereupon like proceedings shall be had, in all respects, as is, in said twelfth and thirteenth sections hereof, provided.

SEC. 19. In declaring lands, which have been quietly, peaceably, and actually used and improved, and considered as public highways and streets, for the space of twenty years, to be public highways as aforesaid, the town council of the town in which such lands lie, shall determine, mark out, plat, or cause to be marked out and platted the lands, in width as well as length, by such use and improvement appropriated as public highways, and declared as such; and shall cause said plats to be recorded: but nothing herein contained shall be construed to affect the requirements or provisions of the next preceding section.

SEC. 20. If any lands, used and improved for twenty years and upwards as a public highway or street, shall not, in the judgment of the town council, be wide enough for the necessities or convenience of the public, the town council may proceed to widen the said highway, in whole or in part, pursuing, as to the portion so widened, the steps required by law for laying out new highways.

SEC. 21. In case any lands have heretofore been declared to be a public highway, under the sixteenth section of this chapter, and no such plat was made and recorded as aforesaid, the town council may cause the lands, appropriated by such declaration as a public highway, to be marked out, platted, and recorded as aforesaid, in which case they shall give the notice, and their proceedings shall be subject to the appeal above provided.

SEC. 22. The proceedings before the town council under the six sections next preceding, in so far as said proceedings shall not have been set aside on appeal taken as above provided, with the accompanying plat, or duly certified copies thereof, shall forever

thereafter be conclusive evidence upon the town, and all parties notified, and their privies, as to the existence of the highway, in width and length, as platted, and *primâ facie* evidence thereof as to all others.

Land conveyed by deed for highways.

SEC. 23. Whenever the owner of any land shall make a deed thereof to the town wherein such land lies, for the especial purpose of being used and improved as a public highway, and the deed shall have been duly acknowledged and recorded, the land shall be thenceforward a public highway to all intents and purposes; and be liable to be opened by the town council of the town wherein the same shall lie, in the same manner as highways which are laid out by said town council; but no town shall be liable to repair such highway until the town council thereof shall decree and order that the same shall be repaired at the expense of such town.

Land dedicated to highways and other purposes.

SEC. 24. Nothing in this chapter contained shall be construed to hinder or prevent the public from acquiring, by dedication or user, lands or any interest in lands for highways or other public uses, according to the course of the common law, or to take away or abridge any legal or equitable remedy by the common or the general law provided in case of injuries to, or obstructions to the enjoyment of lands, or any interest in lands thus or otherwise by law acquired by the public, or devoted to public uses, whether such remedy be by indictment, information, bill or otherwise.

SEC. 25. Nothing in the preceding section contained shall be construed to render any town liable for the mending and repairing of any highway, unless the same shall have been declared to be a public highway by the town council of the town wherein it lies.

Discontinuance of highways.

SEC. 26. Whenever any road shall cease to be useful to the public, the town council of such town shall be authorized so to declare it; and the said road shall revert to its owner; and the said town shall not be liable any longer to repair the same; but no town council shall have power to alter or change any highway which has been or hereafter shall be laid out by the general assembly.

CHAPTER 44.

OF REPAIRING HIGHWAYS AND BRIDGES.

SECTION
1. Towns to keep highways and bridges in repair.
2. Town councils to assign districts to surveyors of highways.
3. Towns to raise money to repair highways.
4. Town councils to determine the sum to be expended in each district, and make a tax list for each surveyor.
5. Surveyor to give notice to each person in his district of the sum he is assessed, and the time when he is to work the same out or pay the amount.
6. Surveyor to return list of delinquents to assessors; deficiencies, how collected.
7. Penalty on surveyor if he neglects to make such return.
8. Surveyors to have same power to collect taxes as collectors.
9. If sum appropriated for any district be insufficient, surveyor may employ inhabitants to repair highways.
10. How surveyor to proceed in case the town neglects to provide a sum for repairing highways.
11. Persons to be notified.
12. Penalties on persons for not working on highways when notified.
13. Penalties on towns for not repairing highways and bridges.
14. Towns liable for injuries caused by neglect in repairing highways and bridges.
15. Towns to provide for removing snow from highways so that they may be passable; limitations of liability for injuries caused by snow and ice.

SECTION
16. Penalty for having highways obstructed by snow.
17. Powers and duties of surveyors of highways.
18. Surveyor not to turn watercourse to injury of any person without consent of town council.
19. Proceedings by person aggrieved by such watercourse.
20. Bridges over artificial watercourses, by whom maintained.
21. Same subject.
22. Bridges on dividing lines of towns and on the lines of the state, by whom to be supported.
23. Penalty on towns for neglecting to repair such bridges.
24. Of Hunt's bridge.
25. Bridges on turnpike-roads, how maintained.
26. Bridges on new highway nearly coincident with old highway, how maintained.
27. Culverts over ditches in highways may be built and maintained by whom, and for what purposes; power of town council over such culverts.
28. Walls and fences on highways and turnpikes not to be removed.
29. Surveyors of highways, how paid.
30. Penalty upon for neglect of duty.
31. Towns may defray expenses of repairing highways out of town treasury, and appoint surveyors in town meeting.
32. What islands exempted from provisions of this chapter.

SECTION 1. All highways, town ways, and causeways, and all bridges, excepting only those referred to in the twenty-fifth section of this chapter, lying and being within the bounds of any town, shall be kept in repair and amended, from time to time, so that the same may be safe and convenient for travellers with their teams, carts and carriages, at all seasons of the year, at the proper

charge and expense of such town, under the care and direction of the surveyors of highways appointed by law.

SEC. 2. The town council of each town shall assign and appoint, in writing annually, to the surveyors, their several limits and divisions of the highways for repair and amendments, unto which assignments the said surveyors shall conform.

SEC. 3. Each town, at some public meeting of the electors thereof who are entitled to vote upon any proposition to impose a tax, regularly notified and warned, shall vote and raise such sum of money, to be expended in labor and materials on the highways aforesaid, as they may deem necessary for that purpose; and either the assessors or the town council, as the town may direct, shall assess the same on the ratable estate of the inhabitants thereof, and all others owning ratable property therein, as other town taxes are by law assessed.

SEC. 4. The town councils shall determine the sum to be expended within the limits of each surveyor, and the persons assessed as aforesaid who shall pay the same, and shall cause to be delivered to each surveyor a list of the said persons whose taxes may be so appropriated for his limits, and the sums at which they are severally assessed.

SEC. 5. Upon the receipt of his bill each surveyor shall give reasonable notice in writing, if desired, to each person in his list of the sum he is assessed to the highways aforesaid, and also to the inhabitants within his district assessed as aforesaid, two days notice, extraordinary casualty excepted, of the times and places he shall appoint for providing materials and laboring; to the end that each person may have opportunity to work on the highways in person or by substitute, or with his oxen, horses, cart and plough, at the rates and prices the town or town council shall affix to such labor, to the full amount of the sum at which he is assessed; or he may pay the surveyor in money the sum he is assessed; in which case the surveyor shall carefully expend the sums thus paid in labor and materials for repairing the highways in his limits according to his best discretion.

SEC. 6. Immediately after the expiration of one year from the assessment of any such tax, each surveyor shall render to the assessors for the time being a list of such persons as shall have been deficient, if any there be, in working out their highway rate or otherwise paying him the sum assessed therefor, together with the amount of each person's deficiency; which deficient sums shall, by the assessors, be put in a distinct column in the next assessment for the town tax, and be collected by the collector thereof as other town taxes are collected and paid into the town treasury for the use of the town to be specially appropriated and expended on the limits and divisions to which the tax of such delinquent was originally assigned and appointed or assessed.

SEC. 7. If any surveyor, at the expiration of the term aforesaid or whenever required by the said town, shall neglect to make to the assessors or unto the office of the town clerk for their use, the returns required by the preceding section, he shall be held ac-

countable for the whole amount of the tax assigned him to be collected; which shall be by the assessors included in the next town tax against him, and collected as other town taxes; to be appropriated when collected for the repair of the highways on the limits and divisions to which such tax so assigned to said surveyor to be collected was originally appointed or assessed; provided any town may in lieu hereof impose any other penalty which they may deem sufficient to insure the making of the returns.

SEC. 8. Whenever any such tax shall remain unpaid for the space of thirty days after notice given by the surveyor to work out or pay the same, the surveyors shall have the same power to collect said taxes as collectors of taxes in ordinary cases; and they may be collected in the same manner as other taxes, and when collected, they shall be expended on the limits and divisions to which said tax was originally assigned and appointed or assessed.

SEC. 9. When the sum appropriated and assessed for the repair of the highways in the limits of any particular surveyor shall be insufficient for that purpose, it shall be lawful for the surveyor, with the consent of the town council, to employ such of the inhabitants of the town upon the repair of such highway in his limits, as shall make up such deficiency; and the persons thus employed shall be paid out of the town treasury therefor.

SEC. 10. If the authorized electors in any town shall neglect to vote or agree upon a sum to be assessed for the express purpose of repairing and amending the highways aforesaid, or shall not otherwise provide for effectually mending and repairing the same, each surveyor shall assign to the several persons in his limits, liable to the same, their ratable proportion of day's work, and of cart, team and plough, according to his taxable property, as near as he can; and shall assign certain days for mending and repairing the ways aforesaid, and give notice thereof in writing to the persons aforesaid, in his limits, liable by law to be taxed.

SEC. 11. Such notice shall be left at the usual place of abode of each person liable, two days at least before the assignment, except in extraordinary cases when they may be warned to appear forthwith, to attend to the purpose aforesaid, with suitable tools and with carts and teams, if any they have.

SEC. 12. If any person being thus notified shall make default of attending and working, by himself or other sufficient person in his stead, or with his cart and team, as he shall be appointed and assigned, he shall forfeit for each day's neglect one dollar, and for default of his cart and team with a driver, for each day three dollars, and in that proportion for a longer or shorter space of time, to the use of the town; to be recovered in the name of the town treasurer.

SEC. 13. Any town which shall neglect to keep in good repair its highways and bridges, shall be fined not less than fifty dollars, nor more than five hundred dollars; and execution shall issue erefor, against the town treasurer of such town.

SEC. 14. Such town shall also be liable to all persons who may

in anywise suffer injury to their persons or property by reason of any such neglect; to be recovered in an action of the case to be brought against the town treasurer of the town or towns who are bound to keep said road and bridges in repair as aforesaid.

SEC. 15. It shall be the duty of the several towns to provide by law, in such manner and under such penalties as they may deem expedient, for removing snow from the public highways, so as to render the same passable with teams, sleds and sleighs; but nothing in this chapter contained, shall be construed to render any town or city liable for any injury to person or property caused by snow or ice obstructing any or any part of the highways therein, unless notice of the existence of the particular obstruction shall have been given to the surveyor of highways in writing for at least twenty-four hours before the injury was caused, and such town or surveyor shall not thereupon within said time have commenced the removal of such obstruction, or caused any side-walk which may have been obstructed by ice to be rendered passable by spreading ashes or other like substances thereon.

SEC. 16. If the snow be suffered to remain in any public highway in any town so as to obstruct any person in passing along such highway with his team, sled or sleigh, for twenty-four hours after such highway shall become obstructed, such town shall be fined not less than ten dollars, nor more than one hundred dollars; but nothing herein contained shall be construed to subject any town to the fine aforesaid, if the surveyor of highways, or some other person duly authorized for that purpose by such town, with the power vested in him by the laws of the state, shall have commenced the removal of such obstructions within the time aforesaid, and shall within three days remove the same.

SEC. 17. The surveyors of highways shall have full power and authority to cut down, lop off, dig up, and remove all sorts of trees, bushes, stones, fences, rails, gates, bars, inclosures, or other matter or thing that shall any way straiten, hurt, hinder or incommode any highway or town way; and also to dig for stone, gravel, clay, marl, sand or earth, in any land adjoining said highway; and the materials thus dug up, to remove to such place or places in the highways, for the repair and amendment thereof, as they shall deem necessary, making compensation therefor; and when the highways are blocked up or encumbered with snow, the surveyors shall cause so much thereof to be removed or trod down as will render the road passable.

SEC. 18. No surveyor of highways shall cause any watercourse in any highway to be so conveyed as to incommode any person's land, house, store, shop or other building, or to obstruct any person in the prosecution of his business or occupation, without the consent or approbation of the town council of such town, signified in writing to such surveyor.

SEC. 19. Any person who may consider himself aggrieved by such watercourse, may complain to the town council; and said council, on receiving his complaint and examining into the circumstances of the same, shall, if they think reasonable, direct such

surveyor to alter said watercourse in such manner as they shall think proper.

SEC. 20. Whenever any artificial watercourse has been or shall be made under, through, or by the side of any highway previously existing, the proprietors or occupants of such watercourse shall make and maintain all necessary bridges over such watercourse, and all fences which may be necessary along the side of the same.

SEC. 21. Whenever any highway has been or shall be laid out over or by the side of any artificial watercourse, made previously to such laying out, the town laying out such highway shall make and maintain the necessary bridges over such watercourse, and such fences along the side of the same as may be needed for the safety of travellers.

SEC. 22. All public bridges on the dividing lines between towns shall be established and kept in repair at the expense of the towns adjoining said bridges; and every public bridge on the dividing line between this state and the adjoining states shall be established and kept in repair, on the part of this state, at the expense of the town adjoining such bridge.

SEC. 23. If any town adjoining any such bridge shall refuse or neglect to keep in good repair, the part of such bridge within and next adjoining the line of such town, the town so neglecting or refusing shall be fined not less than twenty dollars nor more than one thousand dollars; and execution shall issue for the amount of said fine and costs against the town treasurer of said town; but nothing herein contained shall be construed to impair any agreement made between any towns, relative to the supporting and repairing of bridges.

SEC. 24. Whenever the bridge, called Hunt's Bridge, which divides the towns of East Greenwich, Warwick and North Kingstown, shall not be in repair, the same shall be repaired, or a new bridge erected, by the towns of North Kingstown, Warwick and East Greenwich, in the following proportions, to wit: the one half part of all the expense of repairing or rebuilding the bridge shall be paid by the town of North Kingstown; one fourth part by the town of Warwick; and one fourth part by the town of East Greenwich.

SEC. 25. Whenever any two turnpike-roads commence or terminate at the same bridge, the said roads shall be deemed and taken as commencing or terminating at the middle of said bridge; and the said bridge shall be kept in repair and amended from time to time, so that the same may be safe and convenient for travellers, with their horses, teams, carts and carriages, at all seasons of the year, at the joint charge and expense of the turnpike corporations whose roads commence or terminate at said bridge; and the said bridge shall, to all intents and purposes, be deemed and taken as a part of said turnpike-road, and not as a bridge, for the repairing or amending of which, the town in which the same may be situated, shall be, by law, liable.

SEC. 26. Whenever any highway has been or shall be laid out over any tract or parcel of land used at the time of such laying

out as a highway, such laying out shall not be deemed or construed to affect or in anywise alter the rights or duties of the town, or any individual, as to the maintenance of bridges over any part of said new highway which so nearly coincide with the old highway as not to require the removal of such bridges, or the building of them in a different place from which they previously stood.

SEC. 27. Every person owning land adjoining any public highway or turnpike-road, may build such bridges or culverts, over the ditches which may be made in such highway or road for the passage of water, as may be necessary to render the passage from such land to such highway or road safe and convenient; and no such bridge or culvert shall be altered, removed or disturbed by any person, except under the direction of the town council of the town where the same may be situated, or of some person by them appointed.

SEC. 28. No surveyor of highways, or officer, agent or servant of any turnpike company, shall remove the earth so near to any wall or fence erected upon or without the limits of such highway or company's road, as to undermine or overthrow the same, unless the same shall be absolutely necessary for the security or convenience of the public; and in that case the repairs shall be made under the supervision of the town council, or of some person by them appointed; and the town or turnpike company shall be at the expense of repairing or resetting the wall or fence removed.

SEC. 29. Surveyors of highways shall be paid out of the town treasury, at the rate of one dollar per day, for all the time necessarily spent in the discharge of the duties of their office, when no other mode or amount of compensation shall have been provided by any town or town council.

SEC. 30. Each surveyor of highways who shall neglect the duties of his trust, shall forfeit twenty dollars for each neglect, to be recovered in the name of the town treasurer, to the use of the town.

SEC. 31. Instead of the mode herein prescribed for mending highways and bridges by taxes as aforesaid, any town may defray the expenses of repairing and keeping the same open out of the town treasury of such town, or otherwise, as they may find expedient, any thing herein to the contrary notwithstanding; in which case the town may appoint surveyors thereof at any town meeting legally convened.

SEC. 32. Hope, Prudence, Patience, and Hogg Islands are exempted from the operation of the provisions of this chapter.

CHAPTER 45.

OF CERTAIN BRIDGES.

SECTION
1. Penalty for fastening vessel to Weybosset bridge.
2. Penalty for lading wood, &c., at Apponaug bridge.
3. Penalty for fastening boat to bridge at Pawtuxet falls.
4. Persons to take care of said bridge, how appointed.
5. Such persons to prosecute for forfeiture.

SECTION 1. Any person who shall fasten any vessel to any part of Weybosset Bridge, shall forfeit twenty dollars for each offence; to be recovered by the city treasurer of Providence to the use of said city.

SEC. 2. Any person who shall lay any sloop or other vessel unto the bridge over Apponaug river, or there load or unload wood or other heavy merchandise, shall forfeit five dollars for each offence, one half thereof to the use of the town of Warwick, and the other half thereof to the use of him who shall sue for the same.

SEC. 3. Any person who shall make fast any canoe or boat to either of the abutments or any part of the bridge at Pawtuxet falls, or throw any stones off from said bridge, shall forfeit five dollars; one half thereof to the use of the person who shall sue for the same, and the other half to the use of the towns of Warwick and Cranston.

SEC. 4. The towns of Warwick and Cranston respectively, shall be empowered to appoint each, one suitable person to take care of said bridge, and to prevent damage or injury being done thereto.

SEC. 5. Each of the said persons so appointed shall have power, and it shall be his special duty to prosecute for any forfeiture incurred under the preceding two sections.

CHAPTER 46.

OF GUIDE BOARDS.

SECTION
1. Where guide-posts shall be erected.
2. Towns to erect and maintain guide-posts, at such places; size of such guide-posts, and inscription thereon.
3. Towns may agree upon substitutes for such guide-posts.
4. Penalty on town for refusing to maintain guide-posts.
5. Penalty for neglecting to determine places for guide-post.
6. Penalty for injuring guide-post.
7. Jamestown and New Shoreham exempted from this chapter.

SECTION 1. The several town councils, shall, from time to time, determine the corners and angles of all roads within their respective towns at which it shall be necessary to erect and maintain guide-posts, and shall keep a record of their decision among the records of their proceedings.

SEC. 2. Such town councils shall cause to be erected and maintained at the several corners and angles so determined, a substantial post, not less than eight feet high; upon the upper end of which shall be placed a board, upon which shall be plainly and legibly painted the name of the next town, with such other noted town or place as may be judged most expedient for the direction of travellers, to which each of the roads may lead, together with the number of miles to the same; and also the figure of a hand with the forefinger thereof pointing toward the town or place to which the said road may lead.

SEC. 3. The inhabitants of any town may agree upon some suitable substitute for said guide-posts, and appoint any proper person to superintend the erection and support of the same.

SEC. 4. Any town which shall neglect or refuse to keep, at all times, guide boards erected and maintained, at the places and in the manner above prescribed shall be fined three dollars for every month it shall so neglect or refuse.

SEC. 5. Any town council which shall neglect or refuse to determine upon proper places at which guide-posts shall be erected and maintained, shall be fined five dollars for every month they shall so neglect or refuse.

SEC. 6. Any person who shall injure, mar or deface any guide-post, or its substitute, agreed upon as aforesaid, or board which shall be set up, as is herein provided, shall forfeit not exceeding twenty dollars, nor less than two dollars, to the use of the town.

SEC. 7. The provisions of this chapter shall not apply to the towns of Jamestown and New Shoreham.

CHAPTER 47.

OF TRAVELLING ON HIGHWAYS.

SECTION
1. Travellers with carriages when meeting to turn to the right of the centre of travelled part of road.
2. Penalty for violating said rule.
3. Duty of driver of loaded team, when met or overtaken.
4. Penalty for leaving team at large in highway.
5. Penalties for fast driving in streets or compact parts of towns and villages.
6. Penalty for racing on Pawtucket Turnpike-road.
7. Agent of said road may prosecute for penalty.

SECTION 1. Every person travelling with any carriage or other vehicle, who shall meet any other person so travelling on any high-

way or bridge, shall seasonably drive his carriage or vehicle to the right of the centre of the travelled part of the road, so as to enable such person to pass with his carriage or vehicle without interference or interruption.

SEC. 2. Any person who shall wilfully violate the provisions of the preceding section, shall be fined five dollars, and shall be liable for all damages sustained in consequence of any neglect to comply with said provisions.

SEC. 3. It shall be optional with the driver of any loaded team, when met or overtaken by any empty team or pleasure carriage, either to stop his team until the team or carriage by which he shall be met or overtaken shall have passed, if there be sufficient room, or to give half the way as aforesaid.

SEC. 4. Any person having charge of any wheel carriage of any kind, or sled or sleigh with any kind of team, who shall negligently or wilfully leave the same to go at large, in any highway, shall be fined five dollars.

SEC. 5. Any person who shall ride or drive faster than a common travelling pace, in any of the streets of Newport or Providence, or in the compact part of any towns or villages in the state, or in either road leading from Pawtuxet to the compact part of Providence, shall, unless justifiable cause be made to appear for such riding, be fined not less than two dollars, nor more than twenty dollars, for each offence; one half of said sum to the use of the complainant, and the other half thereof to the use of the town where the offence was committed.

SEC. 6. Any person who shall drive rapidly along any part of the Providence and Pawtucket Turnpike-road, for the purpose of racing, or trying the speed of horses, or shall drive furiously along said road, shall be fined not more than twenty dollars nor less than five dollars.

SEC. 7. The agent of said turnpike may prosecute for any violation of the last section, in the name of the state, without giving bond for the payment of costs.

CHAPTER 48.

OF FERRIES.

SECTION
1. Rights of proprietors of certain ferries.
2. Boats to be kept in readiness, &c.
3. Wharves to be kept in repair.
4. Times of passing at Bristol ferry, at single and double rates of ferriage.
5. Times of passing at other ferries, at single and double rates of ferriage.
6. Who may pass at all times for single ferriage.
7. Rates of ferriage at the several ferries.
8. Penalty on ferry-man in certain case.
9. Penalty on proprietor for absence of boat.
10. Penalty on proprietor for not repairing wharf.

SECTION
11. Duties of inspectors of ferries.
12. Inspectors to make report, &c.
13. Penalties on proprietor for neglect or refusal of ferry-man in certain cases.
14. Penalty upon persons other than the proprietors of ferries who shall transport passengers, &c.
15. Laws respecting ferries and ferriage to be posted up.
16. Penalty for not posting up laws, &c.

SECTION 1. The respective proprietors on each side of the two ferries kept between Newport and Jamestown, of that between Jamestown and South Kingstown, called the south ferry, and of that between Bristol and Portsmouth, shall continue to be vested with the exclusive right and privilege of conveying and transporting passengers, horses, neat-cattle, and all other freight across their respective ferries, for the several rates of ferriage hereinafter prescribed, and subject to the regulations and penalties which are or may be by law provided.

SEC. 2. The said proprietors, respectively, shall constantly keep and maintain, at each of their said ferries, and on each side thereof, one good boat, with proper and sufficient tackle and apparel, together with two good oars and one boat-hook, and a small row-boat with suitable oars; which shall, at all times, be kept afloat, and in constant readiness, and shall, on the application of any person for the conveyance or transportation of himself or freight across said ferries, and on paying or tendering the lawful ferriage therefor, be put off, and shall proceed across said ferries, wind and weather permitting.

SEC. 3. The proprietors of each of said ferries shall keep their respective ferry wharves in good repair, so that at common low water their respective boats can receive on board freight and passengers afloat, and come to, sail and proceed across said ferries, weather permitting.

SEC. 4. Passengers and freight at Bristol ferry shall, on all days, except Sundays, thanksgiving days, and fast days, be conveyed across said ferry, between sunrise and eight o'clock in the afternoon, from the first day of March to the first day of December, and between sunrise and six o'clock in the afternoon from the first day of December to the first day of March, on tender or payment of single ferriage; before and after those hours, and on Sundays, thanksgiving days, and fast days, on tender or payment of double ferriage.

SEC. 5. Passengers and freight, at the said other ferries shall, on all days except Sundays, thanksgiving days and fast days, be conveyed across said ferries, between sunrise and sunset, on tender or payment of single ferriage, and on Sundays, thanksgiving days and fast days, and on all hours before sunrise and after sunset, on tender or payment of double ferriage.

SEC. 6. Physicians, surgeons and midwives, on their professional duties, and persons going after them, shall be conveyed across any ferry at any time, on tender or payment of single ferriage.

SEC. 7. The proprietors of the said ferries shall be entitled to receive the following rates of ferriage and no more, to wit:

	Newport Ferry. Cents.	South Ferry. Cents.	Bristol Ferry. Cents.
For each and every footman	10	15	8
For ditto, who puts off a boat	20	30	16
For a man and horse	25	15	16
For each and every draft horse	18	18	12½
For each neat beast, two years old and upwards	20	20	16
For each yearling beast	13	13	8
For each calf	5	5	4
For each hog	6	6	3
For each sheep or lamb	3	3	2
But no ferriage shall be charged at Bristol ferry for a lamb with the ewe.			
For all heavy goods per hundred weight	6		5
For every horse and carriage with the persons in it, at Newport and South ferry	85		
At Bristol ferry the following rates for the following persons and things, and no more:			
For every coach, barouche, wagon or other four-wheel carriage drawn by two horses, with the persons in the same			75
For every additional horse with such coach, barouche, wagon or other four-wheel carriage			16
For every chaise or sulkey, and for every carryall or pleasure carriage, and for every wagon hung on or supported by springs of iron and steel, or either, drawn by one horse, with the persons therein, not exceeding two over twelve years of age, and the horse			50
For every additional person in such last-mentioned chaise, sulkey, carryall, pleasure carriage or wagon			8
For every horse and wagon not hung on or supported by springs of iron and steel, or either, and drawn by one horse, with one person therein			35
For every additional person in such last-mentioned wagon			8
For every ox wagon or cart and team, without a load or with a load not exceeding a ton, and the person or persons with the same, not exceeding two			50
For every hundred weight over one ton in such ox wagon or cart, per hundred weight			4

SEC. 8. The ferry-man at each of the said ferries, shall put off the boat whenever it shall appear that the boat from the other side is on her passage or nearly arriving at that side where the boat is at the wharf, and any ferry-man neglecting or refusing to put off his boat as aforesaid, shall forfeit one dollar.

SEC. 9. Any proprietor or keeper of any ferry, who shall cause

or suffer his ferry-boat to be absent from the said ferry on any pretence whatever, excepting for necessary repairs, shall forfeit thirty dollars for every three hours' absence therefrom.

SEC. 10. Any proprietor who shall neglect to keep his wharf in suitable repair as is required in the third section of this chapter shall forfeit ten dollars for each and every month's neglect, such neglect to be ascertained by the inspectors of ferries.

SEC. 11. Said inspectors shall, from time to time, inspect the several ferries, examine into their condition, and see if they are kept and maintained in accordance with the provisions of law.

SEC. 12. Said inspectors shall make an annual report to the general assembly at its May session; and shall as soon as may be, report to the general assembly, the neglect of any proprietor to keep his said wharf in suitable repair, and all such forfeitures as they shall report as aforesaid, shall be sued for and recovered to the use of the state, by the general treasurer.

SEC. 13. If any ferry-man shall refuse or neglect to keep his boat afloat and in readiness as aforesaid, or shall refuse or neglect to convey or transport any person applying for passage, or conveyance of freight, and tendering or paying lawful ferriage therefor, the proprietor of such ferry where such refusal or neglect shall happen, shall forfeit, for each neglect or refusal, ten dollars.

SEC. 14. Any person, except the proprietors of said ferries, or their agents, who shall transport passengers or freight across said ferries, or who shall take off or land the same at or from either of the said ferry wharves, except as before provided, shall forfeit fifty dollars.

SEC. 15. The proprietors of the several ferries shall keep constantly posted up in their respective ferry houses, in some public room or place, a printed abstract of the several laws regulating said ferries, and a schedule of the legal rates of ferriage, the condition in which the boats and wharves are to be kept, and generally the duties of said proprietors and of the ferry-men, and of the penalties for a breach thereof.

SEC. 16. Every proprietor or occupier of a ferry who shall neglect to comply with the provisions of the next preceding section, shall forfeit five dollars for each offence; *provided*, that the space of five days after any action shall be brought shall be allowed to such proprietor or occupier within which to comply with the laws, before he shall be again made liable for the same offence.

TITLE X.

Of the Settlement and Support of Paupers, and the Prevention of Pauperism.

CHAPTER 49. Of the settlement of paupers.
CHAPTER 50. Of the support and discipline of paupers.
CHAPTER 51. Of keeping out and removing paupers.
CHAPTER 52. Of the maintenance of bastard children.

CHAPTER 49.

OF THE SETTLEMENT OF PAUPERS.

SECTION
1. Rules of settlement: —
First. Married women.
Second. Legitimate children.
Third. Illegitimate children.
Fourth. Minor apprentices.
Fifth. Freeholders.
Sixth. Owners of real estate.
2. Settlement gained, how long to continue; — effect of new settlement.

SECTION 1. A legal settlement in any town shall be gained, so as to oblige such town to relieve and support the person gaining the same in case he becomes poor and stands in need of relief, by any of the ways and means following, and not otherwise: —

First. A married woman shall always follow and have the settlement of her husband, if he has any settlement in this state, or in any of the United States; but if he has no settlement within this state, or in any other of the United States, the wife shall have and retain her settlement at the time of her marriage, and the husband, in such case, shall follow and have the settlement of his wife.

Second. Legitimate children shall follow and have the settlement of their father, until they arrive to the age of twenty-one years, if the father shall, before that time, have any settlement in this state, or in any other of the United States, and shall retain such settlement until they gain a settlement of their own; but if the father, before that time, shall not have any settlement in this state, or in any other of the United States, the children shall in like manner follow and have the settlement of the mother.

Third. Illegitimate children born within this state, shall follow

and have the settlement of their mother at the time of their birth; but neither legitimate nor illegitimate children shall gain a settlement by birth in the places where they may be born, if neither of their parents shall have a settlement there.

Fourth. Any minor who shall serve an apprenticeship to any lawful trade for the space of three years in any town, and actually set up the same therein within three years after the expiration of the said term, being then twenty-one years of age, and shall continue to carry on the same for the space of five years, shall thereby gain a settlement in such town; but such person being hired as a journeyman shall not be considered as setting up a trade.

Fifth. Any person of twenty-one years of age, having an estate of inheritance or freehold in the town where he shall dwell and have his home, of the yearly income of twenty dollars, over and above the interest of any mortgage which shall be thereon, and taking the rents and profits thereof for three years successively, whether he live thereupon or not, shall thereby gain a settlement therein.

Sixth. Any person of twenty-one years of age, having a real estate which shall be of the value of two hundred dollars, over and above any mortgage or incumbrance which may be thereon, and being assessed for the same in the state and town taxes, and actually paying the same for five years successively, in the town where he dwells and has his home, shall thereby gain a settlement therein.

SEC. 2. Every legal settlement, when gained, shall continue until lost or defeated by gaining a new one; and upon gaining such new settlement, all former settlements shall be defeated and lost.

CHAPTER 50.

OF THE SUPPORT AND DISCIPLINE OF PAUPERS.

SECTION
1. Obligation of towns to relieve poor inhabitants settled in.
2. General duty of overseers of poor.
3. Poor, where to be relieved, supported and employed.
4. Temporary relief of poor.
5. Mode of relief of, in Providence.
6. Obligation of kindred to relieve.
7, 8, 9, 10, 11, 12, 13 and 14. Obligation of kindred, how enforced and in what manner.
15. Power of overseers of poor to bind out children, and what children.
16. Power of, to bind out adults.
17. Corporal punishment of poor, and confinement of, in dungeons, prohibited.
18. Close confinement of, restrained.
19. Use of chains and bonds on poor, prohibited, unless insane.
20, 21, 22, 23, 24 and 25. Remedy for poor in case of town's neglect suitably to provide.

SECTION 1. Every town shall be holden to relieve and support all poor and indigent persons lawfully settled therein, whenever

they shall stand in need thereof, and to afford temporary relief to other poor and indigent persons.

SEC. 2. The overseers of the poor shall have the care and oversight of all such poor and indigent persons settled in their respective towns.

SEC. 3. They shall see that they are suitably relieved, supported and employed, either in the workhouse, or in other tenements belonging to such towns, or in such other way and manner as the inhabitants of the respective towns at any legal meeting shall direct, or otherwise at the discretion of said overseers.

SEC. 4. They may also afford temporary relief to other poor and indigent persons, at the cost of the town.

SEC. 5. The city council of the city of Providence may prescribe the mode in which, and the extent to which, the overseers of the poor of said city shall afford temporary relief to such poor and indigent persons who are not supported and employed in the asylum, or other tenements belonging to, or used by, the city.

SEC. 6. The kindred of any such poor person if any he shall have in the line or degree of father or grandfather, mother or grandmother, children or grandchildren, by consanguinity, living within this state, and of sufficient ability, shall be holden to support such pauper in proportion to such ability.

SEC. 7. The supreme court at any term thereof, in any county where any such kindred to be charged shall reside, upon complaint made by the overseer or overseers of the poor of any town who shall have been at any expense for the relief and support of any such pauper, may on due hearing, either upon the appearance or default of the kindred, they being summoned as hereafter prescribed, assess and apportion such sum as they shall judge reasonable therefor, upon such of said kindred as they shall judge of sufficient ability, and according thereto, to the time of such assessment with costs, and may enforce payment thereof by warrant of distress.

SEC. 8. The overseer or overseers of any town, complaining as aforesaid, may file their complaint in the clerk's office of the court to which such complaint shall be made, and may take out a summons thereon under the seal of said court, signed by the clerk thereof, and directed to some proper officer to serve an original summons; which being served by leaving an attested copy thereof with the party to be summoned, or at his last and usual place of abode, twenty days before the sitting of the court, shall hold him to answer to such complaint.

SEC. 9. Such assessment shall not extend to any expense for any relief afforded more than six months previous to the filing of the complaint.

SEC. 10. Said court may further assess and apportion upon such kindred such weekly sum for the future, as they shall judge sufficient for the support of such pauper, to be paid quarterly, into the clerk's office of said court, to the use of the overseers, until further order of the court; and upon application, from time to time, of

such overseers, the clerk of the court shall issue and may renew a warrant of distress for the arrears of any preceding quarter.

SEC. 11. Said court may further order with whom of such kindred who may desire it, such pauper shall live and be relieved, and for such time with one and for such time with another, as they shall judge proper, having regard to the comfort of the pauper, as well as to the convenience of the kindred.

SEC. 12. Upon suggestion made, other kindred of ability, not named in the complaint, may be notified, and the process may be continued; and upon due notice, whether they appear or are defaulted, the court may proceed against them in the same manner as if they had been named in the complaint.

SEC. 13. If such complaint be not entered, or be discontinued or withdrawn, or be adjudged groundless, the respondent shall recover costs.

SEC. 14. Upon application of any party interested, said court may, from time to time, vary any order by them made in the premises, or alter any assessment or apportionment by them made as aforesaid to meet a change of circumstances.

SEC. 15. The overseers of the poor of the several towns, with the advice and consent of the town councils thereof, may bind out, as apprentices, to citizens of this state, or of the states of Massachusetts and Connecticut, or to the Providence children's friend society, or, if colored, to the Providence shelter for colored children, in the manner and for the purposes prescribed by law, the following classes of poor children in their respective towns:—

First. Any male or female children whose parents are lawfully settled in and have become chargeable to their town;

Second. Any, whose parents so settled shall be thought by said overseers to be unable to maintain them, whether they receive alms or are so chargeable or not, provided they be not assessed in any town tax;

Third. Any, whose parents residing in their town, are supported there at the charge of the state;

Fourth. Any, whose parent or parents, having no legal settlement in this state, are residing in such town and are adjudged by the town council of such town to be unable to maintain his or her children;

Fifth. Any, not having sufficient estate for their maintenance, who have no parents living or residing in the town, and who have no legal settlement in this state.

SEC. 16. The overseers of the poor may set to work, or bind out to service by deed indented or poll, for a term not exceeding one whole year at a time, and upon such terms and conditions, and especially as to the application by said overseers of the wages of those bounden to the support or benefit of themselves or families, as they shall judge proper, the following classes of poor persons in their respective towns, of the age of twenty-one years and upwards.

First. All poor persons residing and lawfully settled in their towns, and those who have no lawful settlement in the state,

whether married or unmarried, who are able of body, but have no visible means of support, and who live idly, and use and exercise no ordinary and daily and lawful trade or occupation to get their living;

Second. All poor persons settled or residing in their towns, who, having families to support, earn sufficient means therefor, but waste their earnings and abandon their wives or children, or both, as paupers upon the town.

SEC. 17. Corporal punishment and confinement in dark rooms, or in dungeons, are prohibited at all asylums and houses for the poor.

SEC. 18. No pauper shall hereafter be closely confined at any such asylum or poor-house for a longer period than five days for any one offence; and in all cases of close confinement it shall be the duty of the commissioners and officers of the asylums and poor-houses to report the same to the town or city council as often as once in three months, stating the name of the pauper, together with the offence and period of his confinement.

SEC. 19. The use of chains in the asylums for the poor and poor-houses, or of any other bonds intended to confine the limbs of paupers, is hereby abolished and forever prohibited in this state, except where they may be necessary to effect the removal of insane persons to a curative hospital, or to retain in custody a pauper charged with the commission of crime.

SEC. 20. Whenever any pauper shall not be suitably cared for by the town to which he is chargeable, it shall and may be lawful for any person, upon first issuing five days notice to any of the commissioners or overseers of the poor of the town, of the situation of such pauper, and on continued neglect of the town, to complain in writing to the supreme court in term time, or to any one of the justices thereof in vacation, setting forth as nearly as may be the nature of the grievance complained of.

SEC. 21. Said court or justice shall, upon first giving notice to the town of the pendency of such complaint, in their discretion, appoint a commission of not exceeding three persons, whose duty it shall be to visit the pauper or paupers, concerning whom the complaint is made, and upon hearing the allegations and evidence of the parties, to report to said court or justice, as soon as may be, whether or not said complaint is well founded.

SEC. 22. Whenever it shall be made to appear to the court or justice, by the report of the commissioners, that any pauper in this state is not suitably provided and cared for, said court or justice shall pass an order requiring the appropriate town authorities forthwith to provide suitable accommodations and care for such pauper, either in the poor-house or in some private family, in the discretion of said court or justice, at the expense of the town, and to pay all expenses of the proceeding.

SEC. 23. Said commissioners shall be allowed the like fees as are allowed to auditors and referees in other cases; to be paid by the town complained of, if the complaint be adjudged proved; and otherwise, upon allowance of probable cause for the same

and a certificate thereof and of the amount of said expenses, given by the court or justice, when duly audited to be paid by the general treasurer.

SEC. 24. If the court or justice decline to allow probable cause, an order shall be made dismissing the complaint, and adjudging the complainant to pay all the expenses of the proceeding.

SEC. 25. Any town or complainant neglecting or refusing, for the space of ten days, to comply with any order made as aforesaid, shall be fined not less than fifty, nor more than three hundred dollars.

CHAPTER 51.

OF KEEPING OUT AND REMOVING PAUPERS.

SECTION

1. Penalty for bringing paupers into town where not settled.
2. Penalty on master of vessel for landing in state foreign convicts and notoriously dissolute persons.
3. Duty of master, &c., of vessel to report foreign passengers.
4. Penalty upon, for not reporting or falsely reporting.
5. Duty of owner, master, &c., of vessel to give security for foreign passengers.
6. Penalty upon, for neglect to give security.
7. Duty of railroad companies to report passengers.
8. Penalty on, for neglect to report.
9. Liability of railroad companies for expenses of poor persons brought by them.
10. Liability of town taking bond, to other towns.
11. Duty of overseer of poor to complain of paupers not settled.
12. To notify town council, when.
13. Power of town council to make order of removal.
14. Order of removal, how directed and executed.
15. Penalty upon overseer of poor for not receiving a pauper removed, and how recovered.
16. Appeal from order of removal.

SECTION

17. Reasons of appeal, where and when filed.
18. Duty of clerk of appellate court to send copy of reasons.
19. Power of appellate court over order of removal.
20. Of confirmation of order, effect of.
21. Reversal of order, effect of.
22. Power and duty of officer charged with order of removal.
23. Penalty upon officer for neglect to execute order of removal.
24. Officer executing order, how paid.
25. Of removal of poor Indians of Narragansett tribe.
26. Penalty on member of Indian council for refusal to receive Indian.
27. Appeal by council of tribe from order of removal.
28, 29 and 30. Proceedings in case of return of pauper removed.
31, 32, 33 and 34. Of removal of persons, of bad fame.
35. Penalty on person ordered to depart, for returning.
36. Persons adjudged of bad fame, &c., not to gain settlement by residence.
37. Town councils may refuse bond or certificate for persons of bad fame, &c.
38. Penalty on persons harboring paupers removed, or persons ordered to depart.

SECTION 1. If any person shall bring and leave any poor and indigent person in any town in this state, wherein such pauper is

not lawfully settled, knowing him to be poor and indigent, unless by an order of removal made by a town council in this state, he shall forfeit one hundred dollars for every such offence; to be sued for and recovered by the town treasurer, to the use of such town.

SEC. 2. If any master or other person having charge of any vessel, shall bring into and land, or suffer to be landed in any place within this state, any person before that time convicted in any other state or in any foreign country of any infamous crime, or of any crime for which he has been sentenced to transportation, knowing of such conviction or having reason to suspect it, or any person of a notoriously dissolute, infamous and abandoned life and character, knowing him to be such, he shall for every such offence be fined four hundred dollars.

SEC. 3. The master or any other person having the charge of any vessel arriving at any place within this state with passengers on board from any country, out of the United States, shall, and if from any port in any other part of the United States, shall if required by the town council, within twenty-four hours after the arrival of such vessel, make report in writing under his hand, of all such passengers, their names, nation, age, character and condition, so far as shall have come to his knowledge, to the overseer or overseers of the poor of the town at which such vessel shall arrive.

SEC. 4. Every such master or other person who neglects or refuses to make such report, or shall knowingly and wilfully make a false one, shall, for each offence, forfeit the sum of one hundred dollars, to be sued for and recovered by the town treasurer, to the use of such town.

SEC. 5. The owner, master, or person having charge of any vessel arriving at any place within this state, with passengers on board, who have within six months previous to such arrival come into the United States, from any country without the United States, shall, within thirty-six hours of such arrival, if required by one of the overseers of the poor of such town, give to the town wherein he shall land such passengers, a bond with security, to the satisfaction of one of said overseers, with condition that no such passenger shall become chargeable to such town within one year after his arrival.

SEC. 6. Any owner, master or person having charge of any such vessel, who shall, when required, neglect or omit to give such bond, shall forfeit five hundred dollars, to be sued for and recovered by the town treasurer to the use of such town.

SEC. 7. The town council of any town in which any railroad is situated, may require the company owning such railroad, and any agent or person employed by such company, to make returns of the names, sex, ages and native country of any class of passengers brought to such town upon their railroad, and the precept requiring such returns may be served by a town sergeant or constable, by leaving an attested copy with the treasurer, or at the depot or ticket office of such railroad company.

SEC. 8. Such company shall forfeit twenty dollars for each and every day on which they shall neglect to make such return after

such precept has been served, to be recovered by the town treasurer, to the use of such town.

SEC. 9. Any railroad company whose officers or servants shall bring any poor person into any town, the town council of which have required the returns of passengers as authorized in the seventh section of this chapter, and shall leave such poor person in such town, shall be liable for all expenses incurred by such town for the relief or support of such poor person during twelve months after his being brought into such town, to be recovered by action of the case, in the name of the town treasurer, to the use of the town.

SEC. 10. If any person for whom bond is given under the fifth and sixth sections of this chapter, shall, within one year thereafter, become chargeable to any other town in this state, such person may be removed to the town taking such bond, in the manner and with the effect prescribed for the removal of other paupers.

SEC. 11. If any person shall reside in any town in this state, not being legally settled therein, and shall become, or be likely to become, chargeable to such town, it shall be lawful for any one of the overseers of the poor of such town, to make complaint thereof to the town council.

SEC. 12. In case such overseer shall judge it necessary that an order should be made sooner than the town council are likely to meet of course, he shall give a notification to the town sergeant to notify the town council to meet at a time and place therein named, who, upon such notification, are required to meet.

SEC. 13. Upon such complaint, the town council are empowered to inquire, either by the oath of such poor person, or otherwise, in what town he was last legally settled; and upon the best information they can obtain, to adjudge and determine to what town he lawfully belongs within this state, or in which he was last legally settled; which being done, the town council shall make an order under their seal, to be signed by their clerk, for the removal of such person to such town.

SEC. 14. Said order shall be directed and given to the town sergeant or one of the constables of such town, who shall proceed forthwith to remove such person and such of his family, if any he have, as by law ought to be removed with him, to the town or place to which he is adjudged by such order to belong, and there deliver him to one of the overseers of the poor of such town, and leave an authentic copy of the order with the said overseer.

SEC. 15. If such overseer shall refuse to accept such poor person, he shall forfeit fifty dollars; to be recovered by an action of debt by the town treasurer of the town from which such poor person was sent, to the use of said town.

SEC. 16. If the overseer of the poor of the town to which such poor person shall be removed as aforesaid, shall think his town aggrieved at the determination and order of the town council for the removal of such person, it shall be lawful for him in behalf of his town, to appeal to the next supreme court, to be holden in the

county in which the town from which such poor person was removed is situated.

SEC. 17. The party appealing shall file reasons of appeal in the clerk's office of the court to which the appeal shall be brought, twenty days before the sitting of said court.

SEC. 18. The clerk of said court shall forthwith send a copy of such reasons of appeal to one of the overseers of the poor of the town from which such poor person was removed, who, upon receipt of such copy, is hereby fully empowered to appear at the court to which the appeal is brought, and to defend and maintain said order of the town council.

SEC. 19. Said court shall have power, upon hearing the cause, to confirm or reverse such order as to them shall appear agreeable to law, which judgment shall be final.

SEC. 20. In case the said order shall be confirmed, the town which appealed shall pay the whole cost of court, in which shall be included the charges of removing such poor person.

SEC. 21. In case the said order shall be reversed, the town from which such poor person was removed shall pay the costs of court, and also the charges that the town to which he was removed shall have been at for his support, between the time of the removal and the determination of the appeal; and such poor person shall be removed back to said town at the proper cost and charges thereof, which shall be levied by an execution against the town treasurer of such town.

SEC. 22. The town sergeant or constable, who shall be charged with an order for the removal of any poor person as aforesaid, shall have power to go into any town for putting such order into execution; and shall make return upon said order to the town council who granted the same, at their next meeting, which shall be lodged in the clerk's office; and he shall give copies thereof to any person who shall desire them, and shall take the same fees therefor as in other cases.

SEC. 23. Any town sergeant or constable, who shall refuse or neglect to put such order in execution when delivered to him, shall, for every such refusal or neglect, forfeit twenty dollars; to be recovered by the town treasurer, to the use of said town.

SEC. 24. Any town sergeant or constable, who shall remove any poor person, as by this chapter directed, shall be allowed and paid, at the discretion of the town council, for his trouble, out of the treasury of the town from which such poor person shall be removed.

SEC. 25. If any Indian of the Narragansett tribe shall reside in any town in this state, and shall become, or be likely to become, chargeable to such town, it shall be lawful for any one of the overseers of the poor and the town council of such town, to cause such Indian to be removed to the said tribe in the manner above provided for the removal of paupers, and there deliver him to a member of the council of said tribe, and leave an authentic copy of the order of removal with such member.

SEC. 26. If such member of the council shall refuse to receive

such Indian, he shall forfeit twenty dollars, to be recovered by the town treasurer to the use of said town.

SEC. 27. The council of said tribe may appeal from such order of removal, in like manner and with like effect, and upon such appeal like proceedings shall in all respects be had, as in appeals from orders of town councils removing paupers.

SEC. 28. If any person who has been or may hereafter be removed by an order of removal from any town in this state to any other town therein, shall voluntarily return to the town from which he was so removed, without leave first obtained of the town council of such town for so doing, and the town council of such town shall subsequently cause such person to be again removed to the same town, the town to which such person shall have been so subsequently removed, shall pay to the town the costs of every such subsequent removal, not exceeding twenty cents per mile; to be recovered in an action of the case, in the name of the town treasurer of the town from which such person shall have been removed.

SEC. 29. Eight days notice of the intention of such second removal, shall be previously given through the post-office, by the overseer of the town where such pauper may be, to the overseer or overseers of the poor of the town in which such person shall be legally settled, for the purpose of giving such town an opportunity to remove such person in its own manner at its own proper expense.

SEC. 30. Instead of proceeding as above to recover the expenses of such second removal, the person voluntarily returning may be fined by the town council seven dollars, to the use of the town.

SEC. 31. The town council of a town shall, upon the complaint of any one or more of the overseers of the poor of the town, have discretionary power to remove as aforesaid, all persons not settled in the town who are of bad fame and reputation, or such as the town council shall determine to be unsuitable persons to become inhabitants thereof, though such persons shall not at the time of such removal have become, or shall not then be likely to become chargeable to such town.

SEC. 32. The town council may also, upon like complaint, order persons residing in the town, but not settled in any town in this state, who have become or shall be likely to become chargeable to the town, or who shall be adjudged by the council to be of bad fame and reputation or unsuitable persons to become inhabitants of the town, to depart from the same within such time as the council shall appoint in their order.

SEC. 33. Before making an order of removal, or an order to depart, such as is provided for in the last two sections, the town council shall cause the person against whom such order is to be made, to have notice that the overseer or overseers of the poor of the town have made such complaint against him, with intent to obtain such order.

SEC. 34. The notice shall be served by the town sergeant, or any constable of such town, by reading the same in the presence and

hearing of such person, or by leaving a true and attested copy thereof at his usual place of abode; and the person complained of shall have a right to be heard, and to have his allegations and his testimony weighed by the town council before any order be made against him.

SEC. 35. If a person ordered by the town council to depart from the town, shall not depart from such town within the time appointed as aforesaid, or having so departed, shall voluntarily return thither without leave first obtained from the town council for so doing, such person shall be fined by the town council not exceeding seven dollars, to the use of said town; and in default of paying the same at the time appointed by the town council, shall be committed to the work-house, bridewell or asylum, if any there be in that town, to be kept there in close confinement, or to labor; or the town council may bind out such person to service to any citizen of the United States, for any term of time not exceeding one year.

SEC. 36. Whenever the town council of any town shall adjudge any person residing therein, to be of bad fame and reputation, or to be an unsuitable person to become an inhabitant of such town, and shall order him to be removed therefrom, such person shall not, by his thereafter acquiring or becoming seized or possessed of any real estate in such town, gain any settlement in such town.

SEC. 37. It shall be in the power and at the discretion of every town council, to refuse any bond or certificate which may be offered for keeping their town indemnified from charge on account of any person who shall come into it of bad fame and reputation, or such as the town council shall judge an unsuitable person to become an inhabitant thereof; and to proceed in manner as aforesaid to remove such person out of such town for whom bond or certificate may have been tendered and not accepted.

SEC. 38. If any person in any town in this state shall wilfully suffer or permit any person who has been removed or ordered to depart as hereinbefore provided from such town by the town council thereof, to occupy or reside in his house or possessions, after notice of such removal or order of departure given by the town sergeant or any one of the constables of the town, by order of the town council thereof, such person shall forfeit fifty dollars, to be sued for and recovered by the town treasurer, to the use of the town.

CHAPTER 52.

OF THE MAINTENANCE OF BASTARD CHILDREN.

SECTION
1. Overseers of poor to take security for support of bastards in *ventre sa mere*.
2. Of complaint of overseer, and examination of unmarried woman with child, and proceedings on same.

SECTION
3. Warrant, &c., to person charged, how directed.
4. Of complaint in case person charged reside out of county.
5. Of order of custody of such person.
6. Of recognizance of person charged.
7. Of committing such person to jail.
8. Of proceedings after recognizance.
9. Of continuing recognizance until child born.
10. Of proceedings after child born, and no previous examination of mother had.
11. Of proceedings after birth, in case of examination before.
12. Of trial by justices, judgment and order of maintenance.
13. Of appeal by putative father.
14. Proceedings, if no appeal craved.
15. Mother competent witness on trial.
16. Of trial by jury, and issue before.
17. No appeal from court of common pleas — but new trial, how granted.

SECTION
18. Judgment in appellate court, if verdict be guilty.
19. Judgment in justices' and appellate court, if not guilty.
20. Of appeal by overseer of poor.
21. Of depositions in bastardy cases.
22 and 23. Of proceedings on defaulted recognizance of putative father.
24. Form of order of maintenance.
25. Form of order, how varied if complaint made after birth of stillborn child.
26. Power of town council to bind out putative father.
27. Form of indentures; and wages, how applied.
28. Proceedings in case of death of bastard after order of maintenance.
29. Appeal from estimate of expenses in such case.
30. Proceedings on, before appellate court.
31. Effect on order and security, of payment of expenses finally adjusted.

SECTION 1. In case any unmarried woman is found to be with child, or shall be delivered of a child, the overseers of the poor of the town in which such unmarried woman shall reside or belong, may and shall, if sufficient security be proffered to indemnify such town for the support of the child, accept such security, whether proffered before or after complaint made by such overseers, and omit or, upon payment of all costs and expenses theretofore incurred, stay all further proceedings.

SEC. 2. Upon the examination of any unmarried woman, taken on oath in writing, in consequence of a complaint made under the hand of one or more of the overseers of the poor of the town where such unmarried woman shall reside or belong, that she is with child, it shall be lawful for any justice of the peace, of such town, to issue a warrant or summons against the person whom she shall charge with being the father of said child.

SEC. 3. The warrant or summons, in case the person so charged shall be in any town in the county in which such unmarried woman shall reside, shall be directed to the sheriff of such county, his deputy, or to any town sergeant or constable of the county.

SEC. 4. If the person accused doth not live in the county where complaint shall be made, or is not there to be found, it shall be lawful for any two justices of the peace, of the town where complaint shall be made as aforesaid, having first examined the mother of such child upon oath, to issue a warrant directed to the sheriff or his deputy, or to any town sergeant or constable of the county, in which the accused person resides, or may be found, to apprehend such person and bring him to the town where such complaint shall be made.

SEC. 5. The justices who shall have granted the warrant as

aforesaid, shall order the accused into the custody of the sheriff, or his deputy, of said county, or any town sergeant or constable of said town; and may proceed in the cause in the manner hereinafter directed, for like proceedings before a single justice, when the accused person resides or is to be found in the county in which complaint is made.

SEC. 6. When the party accused shall appear before any such justice or justices of the peace, if he can offer no satisfactory reason that he is innocent, he shall enter into a recognizance, with one or more sureties, at the discretion of such justice or justices, to appear before said justice or justices, or some other justice or justices of the peace of said town, at the town clerk's office of said town, at some future day, to be fixed by the justice or justices of the peace issuing the summons or warrant, and to abide the order of the court thereon.

SEC. 7. If the accused person shall refuse to enter into such recognizance, the said justice or justices shall cause him to be committed to the jail in said county, there to remain until he shall be, by due course of law, discharged therefrom.

SEC. 8. When the accused person shall enter into a recognizance as aforesaid, to the satisfaction of said justice or justices, said justice or justices shall certify said recognizance to the town clerk of said town, and said clerk shall file the same with the papers of his office; and shall procure some justice or justices of the peace of said town to attend at his office at the time appointed in said recognizance for the appearance of the person accused, to take jurisdiction of said recognizance.

SEC. 9. If the woman be not then delivered, said justice or justices of the peace may order a continuance of the recognizance to some further reasonable time, and so on from time to time until the woman shall be delivered, to the end that an order may be made.

SEC. 10. After any bastard child shall be born, whether such child be born alive or stillborn, or being born alive, shall die before an order be made, and no examination had before the birth of said child, it shall be the duty of any two or more justices of the peace of the town where such child shall be born, or of the town which shall be liable to support such bastard child, upon the complaint of any overseer of the poor of either of such towns, and upon the examination of the woman by them taken on oath, to issue a warrant against the person whom the mother of the child shall charge on oath with begetting such child.

SEC. 11. If the mother, before the birth of such child, shall have charged any person, upon oath, with begetting the same, then upon the birth of such child, a warrant shall be issued in like manner against the person so accused, which warrant shall be directed and served as is hereinbefore directed.

SEC. 12. When the accused person shall appear before the justices' court, if the woman, on being examined anew on oath, shall continue constant in her accusation, and no plea or proof be produced to satisfy the justices of the peace who shall have taken

cognizance of the case, that he is innocent, they shall adjudge him to be the putative or reputed father of the child, and make an order for its maintenance, if living, or if dead, for payment of the expenses incurred before and at its death and interment.

SEC. 13. If the person accused shall be dissatisfied with the order, he may appeal therefrom to the court of common pleas, at the term thereof next to be holden in the county in which such child shall have been born, upon paying down the costs which shall have accrued, and entering into a recognizance, with one or more sureties, at the discretion of such justices of the peace, for his appearance before the court appealed to, and abiding by such order as shall be made by said court in the premises; and in default of such order, to be then made and taken by said court of common pleas, to perform the order already made.

SEC. 14. If the accused person shall not crave an appeal, the justices who shall have issued the warrant, shall cause him to be committed to the jail in their county, there to remain until released by due order of law, if he shall neglect or refuse to give bond, with surety or sureties, to their satisfaction, to perform their order.

SEC. 15. The woman mentioned in the complaint of the overseer or overseers of the poor, as aforesaid, shall be a competent witness in the trial of the cause, either before the justices' court or before the court of common pleas, unless otherwise disqualified as a witness.

SEC. 16. The trial of the cause in the court of common pleas shall be by jury; and the issue to the jury shall be whether the defendant or person accused, be guilty or not guilty.

SEC. 17. No appeal shall lie from the judgment and order of the court of common pleas on a verdict obtained in said court; but the supreme court, on the application of the overseer or overseers of the poor of the town in which such complaint originated, or of the person accused, may grant a new trial in such case for such causes and under such rules as new trials are granted in civil cases.

SEC. 18. If on the trial in the court of common pleas the jury shall find the defendant guilty, or if he, before said court, shall admit the complaint to be true, said court of common pleas may confirm the order made by the justices of the peace, or may alter or amend the same as they may think just; but shall not quash or reverse it for any defect or want of form.

SEC. 19. If the defendant be found not guilty by verdict of the jury or the judgment of the justices' court, he shall be discharged, and recover his costs against the overseer of the poor of the town in which such complaint originated.

SEC. 20. The overseer of the poor of such town may appeal from the judgment of said justices' court to the next term of the court of common pleas in said county; in which case said overseer shall be entitled to an appeal on filing bond and reasons of appeal as in civil cases; but no further appeal shall be had.

SEC. 21. Depositions taken according to the law regulating the

taking of depositions in civil cases, may be used in the trial of any such case before the justices' court or court of common pleas.

SEC. 22. If the accused person shall neglect to appear in pursuance of his recognizance given before the justice of the peace before the birth of the child, the justice of the peace who shall take recognizance after the birth of said child shall default his recognizance and proceed to make an order against him, in conjunction with some other justice of the peace of said town, with the same effect and in the same manner as though a trial had been had before them and he had been adjudged by them to be the putative or reputed father of said child: and the surety or sureties on such recognizance after such default, as well as the principal, shall be holden to the performance of such order to the amount of such recognizance.

SEC. 23. The justices of the peace making such order, shall certify said recognizance and order, with all the other papers in the case, to the next term of the court of common pleas for the county in which such complaint was made; and the court in such case may from time to time issue execution thereon against the principal and his surety or sureties for any sums due on such order, for which they may be liable as aforesaid.

SEC. 24. The order to be made for the maintenance of a bastard child, shall be in substance of the following form, to wit: —

Whereas due proof has been made before us and esquires, inhabiting in the town of in the county of upon the oath of of mother of a bastard child, born the day of in the town aforesaid, that of did beget the said bastard child, which child is likely to become chargeable to the said town of . We the said upon the examination of the said and the cause and circumstances of the premises, do adjudge the said to be the putative father of said bastard child; and thereupon do order, as well for the relief of said town of as for keeping and maintaining of said child, that the said shall forthwith, upon sight of this our order, pay or cause to be paid to the overseers of the poor of said town for the time being, the sum of for the first four weeks from the birth of said child, for defraying the charge of the lying in of the said ; and after the expiration of the said four weeks, the said shall likewise pay or cause to be paid to the overseers of the poor of the town aforesaid, weekly and every week, the sum of for and towards the maintenance of said bastard child, for so long time as the said child shall be chargeable to the said town; and further, we do hereby order, that the said shall, every week, for so long time as the said child shall be chargeable as aforesaid, she not keeping the same, pay or cause to be paid unto the overseers of the poor of the town of aforesaid for the time being, the sum of for and towards the maintenance of said child; lastly we order that the said do upon notice of this our order give sufficient security to the overseers of the poor

of the town of aforesaid, for the performance of this our order. In witness whereof we have hereunto set our hands and seals this day of .

SEC. 25. In case of complaint made and substantiated after the birth of a bastard stillborn child, the words in the form of the order above prescribed, shall be varied as follows, to wit: after the words "and thereupon do order, as well for the relief of the said town of " the following words shall be inserted, instead of "as for keeping and maintaining of said child," to wit: "as for paying the necessary charges which have accrued, for the expenses and trouble which have arisen for rendering comfort and subsistence to the mother of such stillborn child, and of decently interring the same, that the said shall forthwith upon sight of this order, pay or cause to be paid to the overseers of the poor of said town for the time being, the sum of in satisfaction for the expense and trouble aforesaid;" all the other parts of which order in such case shall be of the form of the order above recited.

SEC. 26. When and so often as any man shall stand committed to jail for the non-performance of any final adjudication and order in bastardy made up against him, the town council for the time being, wherein such order originated, shall and may bind out and give and take indentures of servitude of such prisoner, for such length of time and for such wages or sum as the town council shall think convenient and requisite.

SEC. 27. Such indentures shall be signed and sealed by the town clerk in behalf of the council; and so much of the wages or money arising from such service as shall be necessary to fulfil the order and all incidental charges shall be so applied, and the residue, if any there be, shall remain to and for the use of the person charged.

SEC. 28. In case a bastard child, for whose maintenance an order has been made, shall die, or cease to be chargeable to the town, in favor of whom such order has been made, any two justices of the peace of such town, may, and shall, upon complaint under the hand of one or more of the overseers of the poor thereof, or of the person bound, issue a summons to the person bound or to one of the overseers, as the case may be, and make a just estimate of all reasonable expenses that ought to be paid by the person bound by such order, and shall, if no appeal be taken, issue a warrant for collecting the same.

SEC. 29. Either party, dissatisfied with such estimate, may appeal therefrom to the court of common pleas next to be holden in the county wherein such town lies, in the mode, and with the effect that is or may be by law provided for an appeal from the judgment of a justice of the peace in civil cases.

SEC. 30. Said court of appeal shall proceed in all respects as in civil cases, to hear and finally determine between the parties the amount of such expenses, and issue execution therefor against the person bound.

SEC. 31. The payment of such expenses, as finally adjusted, shall vacate the former order, and discharge the security given for

the performance thereof; but otherwise said order shall, as well as the security given for the performance thereof, remain in full force.

TITLE XI.

Of the Insane.

CHAPTER 53. Of the restraint and cure of the insane.
CHAPTER 54. Public provision for indigent insane.

CHAPTER 53.

OF THE RESTRAINT AND CURE OF THE INSANE.

SECTION
1. Complaint and warrant against person furiously mad and at large, how made and directed.
2. Of examination and proceedings by justice on return of warrant, and mad person where committed.
3. Form of warrant of commitment, and duty of officer thereon.
4. Costs of proceedings and detention, how paid.
5. Costs and expenses, how recovered of person or town liable.
6. Of petition for commission of lunacy to confine lunatic for cure, &c., and appointment of commissioners.
7. Of powers and duties of commissioners and proceedings before.
8. Of power of judge to restrain lunatic pending commission.
9. Of power of judge upon report of commissioners.

SECTION
10. Person committed to hospital by judicial order, though not cured, how discharged.
11. Lunatics committed to hospital by parents, friends, &c.
12. Power of superintendent, &c., of hospital to receive and detain lunatics.
13. Lunatics committed by friends, &c., responsible for expenses, how discharged.
14. Power of superintendent of hospital to discharge lunatics on application of relatives or friends.
15, 16, 17 and 18. Of petition for commissions to inquire into sanity of persons confined as lunatics, and proceedings on same.
19. Right to habeas corpus saved.
20 and 21. Of expenses of commissions and compensation of commissioners.

SECTION 1. Whenever complaint in writing, and under oath, shall be made to any justice of the peace, that any person within his county is a lunatic, or so furiously mad as to render it dangerous to the peace or safety of the good people of the state for him to be at large, and that such person is at large,

such justice of the peace shall issue his warrant under his hand and seal, returnable forthwith, directed to the sheriff, deputy sheriffs, town sergeants and constables in said county, requiring the officer charged therewith to apprehend the accused, and have him, with such warrant, before said justice, or some other magistrate, for examination relative to such complaint.

SEC. 2. If the justice, on such examination, shall adjudge such complaint to be true, he shall, unless a recognizance satisfactory to said justice be then given before him that said person shall not be permitted to go at large until restored, by warrant under his hand and seal, commit such person to the Butler hospital for the insane, or, if he cannot be there received, to the jail of the county in which he may be apprehended, there to be detained until in the judgment of some magistrate of the county in which he may be imprisoned, he shall, upon inspection and examination, be declared to be restored to soundness of mind or to be no longer under the necessity of restraint, or until recognizance as aforesaid, satisfactory to such magistrate, shall be given.

SEC. 3. The justice shall, in his warrant of commitment, state the town in which such lunatic or mad person was arrested; and the officer charged with the execution thereof, shall have the same power to commit such person to the Butler hospital for the insane as though said hospital were within his precinct.

SEC. 4. The costs of apprehending, examining, committing and detaining such lunatic or mad person, shall be paid by such person, if he have any estate; otherwise, in the first instance, and until the liability of some other town in the state for the maintenance of such person is admitted by such town, or ascertained by proper proceedings had, by the town in which such person shall have been apprehended.

SEC. 5. Whenever any person or town chargeable with the costs and expense of apprehending, committing and detaining or keeping any such lunatic or mad person shall neglect to pay the same or either or any part thereof, it shall be the duty of the committing magistrate, and of the keeper of the jail to which such person may be committed, and the right of the superintendent of said hospital, if he be committed thereto, to give notice of such neglect to the attorney-general, who shall, in the name and at the expense of the state, commence an action of the case in behalf and for the benefit of all persons interested, against the person or town so neglecting, for the recovery of such costs and expenses, or either of the same, and prosecute the same to final judgment and execution.

SEC. 6. On petition under oath, setting forth that any person is insane and that the welfare of such person, or of others, requires him to be placed in a hospital for the insane, or to be restrained, any judge of the supreme court may forthwith appoint not less than three commissioners to inquire into the condition of the subject of such petition, and to report all facts connected with or bearing upon the same, together with their opinion whether such

person, if insane, should be placed in such hospital either for cure or restraint.

SEC. 7. Before said commissioners shall proceed with their inquisition they shall be sworn by the judge to the faithful and impartial execution of their duties, and shall give due notice to the party or person complained of as insane, of their appointment, and of the time and place of hearing, in order that he may have an opportunity by evidence, by his own statements, and by counsel to defend himself against the charge of said petition; and said commissioners shall have power to issue summons to, and compel the attendance of, and to swear witnesses; and it shall be their duty to hear all evidence offered to them on either side touching the merits of the petition, as well as examine the subject of the petition himself.

SEC. 8. Said judge is authorized, if need be, upon the presentment to him of such petition, or afterwards, as occasion may require, to issue a warrant under his hand and seal for the apprehension of the person complained of, and to order him to be detained in the custody of the officer to whom the warrant shall be directed, or to be committed to the Butler hospital for the insane, if he can be there received, or to the county jail, as will be most convenient and proper, pending the inquisition; in order to insure that such person shall be present to be examined by the commissioners, and to abide the final order of said judge upon said inquisition.

SEC. 9. Upon the coming in of the report of said commissioners, said judge shall have power, with or without further hearing, to confirm or to disallow the same, and to order the person complained of to be confined in the Butler hospital for the insane, if he can be there received, or, if not, in some other curative hospital for the insane of good repute, within or without the state, or to dismiss the petition altogether.

SEC. 10. Any person committed to such hospital, under the provisions of the four sections of this chapter next preceding, may, though not restored to sanity, be discharged therefrom, upon the written recommendation of the trustees and superintendent thereof, by an order of either of the judges of the supreme court, to be made in the discretion of such judges.

SEC. 11. Insane persons may be removed to, and placed in said hospital, if they can be there received, and if not, in any other curative hospital for the insane, of good repute, within or without the state, by their parents or parent, or guardians, if any they have, and if not, by their relatives and friends, and if paupers, by the overseers of the poor of the towns to which they are chargeable; but the superintendent of said hospital shall not receive any person into his custody, in such case, without a certificate from some practising physician of good standing, known to him as such, that such person is insane.

SEC. 12. Any person committed to the charge of the Butler hospital, or of any other curative hospital for the insane, as aforesaid,

in either of the modes hereinbefore prescribed, may be lawfully received and detained in said hospital by the superintendent thereof, and by his keepers and servants, until discharged in one of the modes hereinafter provided; and neither the superintendent of such hospital, his keepers or servants, nor the trustees or agents of the corporation, shall be liable, civilly or criminally, for receiving or detaining any person so committed to or detained in such hospital.

SEC. 13. The person or persons removing an insane person to and placing him in such hospital within this state, and also the person or persons, who by their own free act and accord, and without any obligation imposed by law, have become responsible for the payment of the expenses of any such person at such hospital, if necessary to terminate further responsibility, but none other, shall have the power of removing such person therefrom.

SEC. 14. The superintendent of such hospital within this state, may, on the application of any relative or friend, and with the approbation, in writing, of the visiting committee of the trustees, discharge any patient from such hospital not committed by process of law.

SEC. 15. On petition, under oath, of any person not confined in such hospital, to a judge of the supreme court, setting forth that some person confined therein is not insane, and is unjustly deprived of his liberty, the said judge may, in his discretion, issue a like commission, as hereinbefore provided, for the purpose of inquiring into the condition of such person.

SEC. 16. In such case no notice shall be served upon the person confined as insane, nor shall he have the right to confer with counsel, to produce evidence, or be present at the inquisition; but such notice shall be served upon, and such rights shall be enjoyed solely by, the petitioner; nor shall said petitioner, nor any counsel he may employ, nor any witness he may desire to use, have right to visit or examine said insane person except with the permission of the superintendent of said hospital, or according to its rules, or by special order of the judge issuing the commission.

SEC. 17. The personal examination by the commissioners of such person confined as insane, shall take place at the hospital, and not elsewhere; nor shall such person be taken from the hospital upon any pretence, or for any purpose whatever, pending such commission.

SEC. 18. In other respects said commissioners shall, with like powers, proceed and report to the judge in like manner as before provided, who, upon the coming in of said report, may either confirm or disallow the same, and order the discharge of such person, or dismiss the petition altogether, as the truth shall seem to him to require.

SEC. 19. Nothing in this chapter shall be construed to impair or abridge the right of any person to the writ of habeas corpus.

SEC. 20. No commission shall be issued by a judge of the supreme court, either for the purpose of confining or discharging from confinement an insane person, as contemplated by the sixth

and fifteenth sections of this chapter, until the applicant therefor shall pay or satisfactorily secure to said judge all costs and expenses of the application, process, commission and commitment, as well as satisfy him, if the application be for the confinement of any insane person, that the expenses of detaining such person in said hospital will be paid or secured to the satisfaction of the superintendent or proper authorities thereof.

SEC. 21. The compensation of the commissioners shall not exceed three dollars a day each, in addition to necessary expenses, to be allowed by the judge; and it shall be their duty to return in items their charges for compensation and all costs and expenses of executing the commission, with their report, for allowance and payment by the judge.

CHAPTER 54.

PUBLIC PROVISION FOR THE INDIGENT INSANE.

SECTION
1. Amount of appropriation for insane paupers, and how to be expended.
2. Who authorized to draw for appropriation.
3. Appropriation for insane state beneficiaries, how drawn and to be applied.

SECTION 1. The sum of twenty-five dollars per quarter of a year is appropriated out of the state treasury, toward the support of every insane pauper chargeable to any town in the state, who may be placed by the overseers of the poor of such town, at the Butler hospital for the insane, or in case such person cannot be received in said hospital, at any other curative hospital for the insane, of good repute, within or without the state.

SEC. 2. The governor is authorized to draw quarterly his order on the general treasurer for such sum as he may ascertain to be due to the Butler hospital or other curative hospital for the insane, in accordance with the preceding section.

SEC. 3. He is also authorized to draw upon the general treasurer, annually, for a sum not exceeding fifteen hundred dollars in any one year, to be by him appropriated to the maintenance, in whole or part, of such indigent insane persons, being inhabitants of this state, as he may select as state beneficiaries, not more than one hundred dollars to be by him appropriated annually for the support of any one person.

TITLE XII.

Of Charitable Donations, The Touro Fund, and certain State Charities.

CHAPTER 55. Of charitable donations.
CHAPTER 56. Of the Touro fund.
CHAPTER 57. Appropriations for the education of indigent blind, deaf and dumb, idiot and imbecile persons.

CHAPTER 55.

OF CHARITABLE DONATIONS.

SECTION
1. Jurisdiction of town councils over charitable donations.
2. Of decrees of town councils against trustees of donations, how executed, and how long to remain in force.
3. Executions against trustees of, how served and enforced.
4. Of appeal from decree of town council, and power of appellate court.
5. Appeal, how taken, and when order of council suspended by.

SECTION 1. Whenever any real or personal property, or the use, issues or profits of any, have been or shall be given, limited, appointed and assigned by any person to and for the relief of the poor, or the bringing up of children to learning, or for any other specific purpose, and have not been or shall not be employed according to the charitable intent of the giver or founder thereof, it shall and may be lawful for the town council of each town, within its respective jurisdiction, to inquire of and concerning the same; and of the abuses and breaches of trust, negligence, misemployment, not employing, concealing, defrauding and misconverting or misgovernment thereof, as often as it shall appear requisite and needful.

SEC. 2. Said town council, after notice to the parties intrusted with any such real or personal property, may set down such orders, judgments and decrees in relation thereto as the exigency of the case may seem to require; which orders, judgments and decrees, not being contrary or repugnant to the orders, statutes and decrees of the donors or founders, shall stand firm and good, according to the tenor and purport thereof, and shall be executed by the sheriff accordingly, until the same be altered or undone by the supreme

court of this state upon complaint of the party aggrieved made unto them.

SEC. 3. Upon the finding of any breach of trust, negligence, misemployment, mismanagement or under-renting any such property, judgments and executions shall be given forth by the said town council against the misemployers, mismanagers and misimprovers of the same, and the same shall be levied out of their estates; and for want of sufficient estate of theirs to be found to satisfy and pay the same, they shall be committed to jail until the same be satisfied and paid, and a just distribution thereof be made, according to the true intent and meaning of the donors or founders.

SEC. 4. It shall and may be lawful to and for any person aggrieved at any sentence, order, judgment or decree of any town council in any of the cases aforesaid, to appeal therefrom unto the supreme court, who are hereby empowered to alter, reverse or confirm such sentence, order or judgment of such town council, and to give a new and final judgment and determination in said case, as they shall think fit and agreeable to equity and good conscience, according to the true intent and meaning of the donors and founders thereof; and shall tax and award costs of suit as in suits in equity.

SEC. 5. The party desiring an appeal from such town council to the supreme court shall, the same day such order, sentence, judgment or decree is given, request that such his desire be entered in the records of said court, and within ten days after judgment, give sufficient bond to said council, with sufficient sureties, to prosecute his appeal with effect, and to stand and abide such final judgment as shall afterwards be given in said cause; or otherwise such person shall lose his advantage of appeal as aforesaid; and in the mean time such sentence, order, judgment or decree of such town council shall be suspended and execution stayed thereupon.

SEC. 6. Nothing in this chapter shall be construed to deprive the supreme court of original jurisdiction over any such matter as is by this chapter placed within the jurisdiction of town councils.

CHAPTER 56.

OF THE TOURO FUND.

SECTION
1. Clause of Abraham Touro's will recited, and act of assembly accepting trust and ordering investment of fund.
2. City council of Newport to appropriate fund to its use, and to account to general assembly.
3. Duty of city council of Newport to recommend disposition of profits of fund.
4. City council of Newport to draw for interest of fund, and expend same, and report to the general assembly.

SECTION 1. The following act as passed by the general assembly in June, 1823, and amended in June, 1827, and June, 1834, and now amended, shall continue in force: —

Whereas it has been made to appear to this general assembly upon the representation of Titus Weeks, Esq., executor of the last will and testament of Abraham Touro, Esq., of the city of Boston, in the state of Massachusetts, that the said Abraham by his last will bequeathed a legacy in the following words, viz.: "Item. — I give ten thousand dollars to the legislature of the state of Rhode Island for the purpose of supporting the Jewish synagogue in that state; in special trust to be appropriated to that object in such manner as the said legislature together with the municipal authority of the town of Newport may from time to time direct and appoint:" Therefore,

SECTION 1. *Be it enacted by the general assembly, and by the authority thereof it is enacted*, That said legacy and trust be and hereby are accepted by the general assembly; and the general treasurer is authorized and directed to apply for and receive from said executor, the said legacy or donation of ten thousand dollars, to give all proper receipts and acquittances therefor upon receipt thereof, and as soon as possible to vest the same entire in the stock of some substantial bank or banks or in some of the United States stocks; and the certificates or evidences of such stock shall be carefully kept by said general treasurer in his office; and it shall be the duty of said general treasurer once in every year to report to the general assembly the state of said fund.

SEC. 2. *And be it further enacted*, That the city council of Newport may and it shall be their duty to cause all repairs to be made upon said synagogue buildings and premises, and upon the wall inclosing the Jewish burying-ground in Newport, appurtenant to said synagogue, which in their opinion may be necessary and proper; and whenever there shall be no person of the Jewish persuasion residing in Newport, and qualified and authorized to have the care and superintendence of said synagogue, said council shall appoint some suitable person or persons for that purpose, with such compensation as said council with the approbation of the general assembly shall think reasonable: *Provided*, that all accounts and charges for expenditures of every kind out of said fund shall be presented to the general assembly, and if approved of by them shall be paid by the general treasurer upon their order out of the interest or profits accruing on said fund; *Provided, also*, that nothing in this act shall be construed to authorize said city council or any other person whatever in any manner to interfere with or restrain the full and free exercise of the Jewish religion in said synagogue, by any individual of that faith residing in Newport, or to interrupt the possession, control and management with which the proprietors of said synagogue and premises, or any other persons according to the laws and customs of the Jews, may be invested.

SEC. 3. *And be it further enacted*, That it shall be the duty of said city council, from time to time, as occasion shall present, to

recommend to the general assembly such disposition of the profits of said fund, and such measures and provisions as in their opinion shall be best calculated to promote and fulfil the object and intention of the donor, the said Touro, as expressed in his said will, in supporting and advancing said Jewish institution.

SEC. 4. *And be it further enacted*, That the city council of Newport be and they are hereby authorized, from time to time, as occasion may require, to draw on the general treasurer for the interest of the Touro Jewish synagogue fund, or so much thereof as may be necessary to keep said synagogue and premises in complete repair; and that said council make report of their expenditures to the general assembly, annually, at the May session thereof.

CHAPTER 57.

APPROPRIATIONS FOR THE EDUCATION OF INDIGENT BLIND, DEAF AND DUMB, IDIOT AND IMBECILE PERSONS.

SECTION
1. Amount annually appropriated by state for education of blind, deaf and dumb, idiots and imbeciles, and where to be expended.

SECTION
2 and 3. Who to select state beneficiaries, and to draw and apply appropriation.

SECTION 1. The sum of two thousand five hundred dollars is hereby annually appropriated, out of the general treasury, for the education of the indigent blind of this state, at the institution therefor, at South Boston, Massachusetts; for the education of indigent deaf mutes of this state, at the American asylum, at Hartford, Connecticut; for the education of the deaf and dumb, and for the education of such indigent idiot and imbecile persons of this state, at institutions now established, or that may be established, within or without the state, for the education and improvement of such idiot and imbecile persons.

SEC. 2. The governor is authorized to select such indigent persons, being inhabitants of the state, as he shall deem proper as state beneficiaries, and to determine the amount of said appropriation to be applied to the education of each; so that no one person shall receive any portion thereof for more than five years, nor a greater sum in one year than one hundred dollars.

SEC. 3. He is also authorized to draw upon the general treasurer, from time to time, for the purposes aforesaid, his drafts therefor, in any one year, not to exceed in the whole the amount above appropriated.

TITLE XIII.

Of Public Instruction.

CHAPTER 58. Of the commissioner of public schools.
CHAPTER 59. Of the appropriation for public schools.
CHAPTER 60. Of the powers and duties of towns, and of the duties of the town treasurer and town clerk relating to public schools.
CHAPTER 61. Of the powers of school districts.
CHAPTER 62. Of district meetings.
CHAPTER 63. Of joint school districts.
CHAPTER 64. Of the levy of district taxes, and of rate bills for tuition.
CHAPTER 65. Of the trustees of school districts.
CHAPTER 66. Of the powers and duties of school committees.
CHAPTER 67. Of teachers.
CHAPTER 68. Of legal proceedings relating to public schools.
CHAPTER 69. Of the normal school, teachers' institutes, and lectures.
CHAPTER 70. Of truant children and absentees from school.
CHAPTER 71. General provisions relating to public schools.

CHAPTER 58.

OF THE COMMISSIONER OF PUBLIC SCHOOLS.

SECTION
1. Commissioner, how appointed.
2. Duties of the commissioner.
3. To secure uniformity of text-books.
4. To prescribe forms for returns.
5. To report to general assembly.

SECTION 1. For the uniform and efficient administration of the provisions of this title, and the supervision and improvement of such schools as may be supported in any manner out of the state treasury, the governor, by and with the advice and consent of the senate, shall annually at the annual general election, appoint a commissioner of public schools, who shall devote his time exclusively to the duties of his office. In case of sickness, temporary absence or other disability, the governor may appoint a person to act as commissioner during such absence, sickness or disability.

SEC. 2. The commissioner shall visit, as often as practicable, every school district in the state, for the purpose of inspecting the

schools, and diffusing as widely as possible, by public addresses and personal communications with school officers, teachers and parents, a knowledge of the defects and desirable improvements in the administration of the system and the government and instruction of the schools.

SEC. 3. He shall recommend and secure, as far as practicable, a uniformity of text-books in the schools of all the towns; and shall assist in the establishment of, and selection of books for, school libraries.

SEC. 4. He shall prescribe, from time to time, suitable forms and regulations for carrying the provisions of this title into effect, and for making all reports.

SEC. 5. He shall, annually, at the adjourned session at Providence, make a report to the general assembly upon the state and condition of the schools and of education, with plans and suggestions for their improvement.

CHAPTER 59.

OF THE APPROPRIATION FOR PUBLIC SCHOOLS.

SECTION
1. Appropriation from the state treasury.
2. How apportioned.
3. How to be expended.
4. Conditions upon which towns shall receive their proportion.
5. Forfeiture of town's proportion.
6. Orders on the general treasurer.

SECTION 1. The sum of fifty thousand dollars shall be annually paid out of the income of the permanent school fund, the deposit fund, and other money in the state treasury for the support of public schools in the several towns, upon the order of the commissioner of public schools.

SEC. 2. The sum of thirty-five thousand dollars of the amount aforesaid shall be apportioned annually, in May, by the commissioner, among the several towns, in proportion to the number of children therein, under the age of fifteen years, according to the census of the United States then last preceding; and the sum of fifteen thousand dollars shall be apportioned among the several towns in proportion to the number of school districts in each town, corporate or otherwise.

SEC. 3. The money appropriated from the state shall be denominated "teachers' money," and shall be applied to the wages of teachers, and to no other purpose whatever.

SEC. 4. No town shall receive any part of the state appropriation, unless it shall raise by tax for the support of public schools, a sum equal to one half of its proportion of the sum of thirty-five thousand dollars apportioned to such town from the state treasury;

and shall appropriate the sum so raised as required by the provisions of this title.

SEC. 5. If any town shall refuse to raise or appropriate the sum required in the section next preceding on or before the first of July in any year, its proportion of the public money shall be forfeited, and the general treasurer on being officially informed thereof by the commissioner shall invest the amount in stocks, to be added to the permanent school fund.

SEC. 6. The commissioner shall draw orders on the general treasurer, in favor of all such towns for their proportion of the appropriation for public schools, as shall, on or before the first day of July, annually, comply with the conditions of the fourth section of this chapter.

CHAPTER 60.

OF THE POWERS AND DUTIES OF TOWNS, AND OF THE DUTIES OF THE TOWN TREASURER AND TOWN CLERK RELATING TO PUBLIC SCHOOLS.

SECTION

1. Towns may maintain schools without districts.
2. Towns may be divided into districts.
3. Towns may provide school-houses for districts.
4. School committee, how and when chosen.
5. Superintendent, how appointed, his duties, and compensation.
6. Town treasurer to receive and keep account of school money.
7. To submit statement of school money to committee.
8. To transmit statement of money raised and paid out, to commissioner.
9. Town clerks to record boundaries of districts, and distribute school documents.

SECTION 1. Any town may establish and maintain, without forming districts, a sufficient number of public schools, of different grades, at convenient locations, under the entire management of the school committee.

SEC. 2. Any town may be divided by a vote thereof, into school districts. All existing districts shall continue until legally altered.

SEC. 3. Any town may vote, in a meeting notified for that purpose, to provide school-houses with the necessary fixtures and appendages, in all the districts, if there be districts, at the common expense of the town: *Provided*, that in the latter case, if any district shall provide, at its own expense, a school-house approved by the school committee, such district shall not be liable to be taxed by the town to furnish or repair school-houses for the other districts.

SEC. 4. Each town shall, at its annual town meeting for choice of either state or of town officers, choose a school committee, to consist of not less than three residents of said town, and to serve

without compensation, unless voted by the town out of the town treasury.

SEC. 5. Any town may appoint or may authorize its school committee to appoint a superintendent of the schools of the town, to perform, under the advice and direction of the committee, such duties and to exercise such powers as the committee may assign to him, and to receive such compensation out of the town treasury as the town may vote.

SEC. 6. The town treasurer shall receive the money due from the state treasury, and shall keep a separate account of all money appropriated by the state or town or otherwise for public schools, and shall pay the same to the order of the school committee.

SEC. 7. The town treasurer shall, within one week after the town meeting at which the committee are elected, submit to them a statement of all moneys in his hands belonging to schools, specifying the sources whence derived, and to what districts, if any, they belong.

SEC. 8. He shall, on or before the first day of July, annually, transmit to the commissioner of public schools a certificate of the amount which the town has voted to raise by tax for the support of public schools for the year; and also a statement of the amount paid out to the order of the school committee, and from what sources it was derived, for the year ending with the thirtieth of April next preceding.

SEC. 9. The town clerk shall record the boundaries of school districts and all alterations thereof, in a book to be kept for that purpose, and shall distribute such school documents and blanks as may be sent to him, to the persons for whom they are intended.

CHAPTER 61.

OF THE POWERS OF SCHOOL DISTRICTS.

SECTION
1. School-district a body corporate.
2. Powers of school district.
3. District may build and repair school-houses, &c.
4. May raise money by tax.
5. Officers of the district.
6. Powers and duties of district officers.
7. District taxes, how collected.
8. Town collector may collect.
9. District neglecting to organize, committee may establish school.
10. District may devolve its duties and powers on the committee.

SECTION 1. Every school district shall be a body corporate, and shall be known by its number or other suitable or ordinary designation.

SEC. 2. Every school district shall have power to prosecute and defend in all actions, to purchase, receive, hold and convey any

real or personal property for school purposes, and to establish and maintain a school library.

SEC. 3. Every such district may build, purchase, hire and repair school-houses, and supply the same with blackboards, maps, furniture and other necessary and useful appendages, and may insure the house and appendages against damage by fire: *Provided*, that the erection and repairs of the school-house shall be made according to the plans approved by the school committee or commissioner.

SEC. 4. Every such district may raise money by tax on the ratable property of the district, to support schools and to carry out the powers given them by any of the provisions of this title: *Provided*, that the amount of the tax shall be approved by the school committee of the town.

SEC. 5. Every such district shall elect a clerk, either one or three trustees as they may decide, a treasurer and collector, and may fill vacancies in either of said offices arising from death, declining, or refusing to serve, resignation, removal from office, or from the district, or otherwise; and if an election of any of said officers be not made at the time prescribed for the annual meeting, it may be made at any legally notified meeting afterward.

SEC. 6. The clerk, collector and treasurer shall have the like power and shall perform like duties as the clerk, collector and treasurer of a town; but the clerk, collector and treasurer need not give bond unless required by the district.

SEC. 7. All district taxes shall be collected by the district or town collector in the same manner as town taxes are collected.

SEC. 8. Any district may vote to place the collection of any district tax or rate bill in the hands of the collector of town taxes, who shall thereupon, without any new bond or engagement, be fully authorized to proceed and collect the same.

SEC. 9. If any school district shall neglect to organize, or if organized shall for any space of six months, neglect to establish a school and employ a teacher, the school committee of the town may themselves, or by an agent, establish a school in the district school-house or elsewhere, in their discretion, and employ a teacher.

SEC. 10. Any district may, with the consent of the committee, devolve all the powers and duties relating to public schools in the district on the committee.

CHAPTER 62.

OF DISTRICT MEETINGS.

SECTION
1. Meeting for organization, notice of, how and by whom to be given.
2. Annual meeting, when held.
3. Special meetings, how called.
4. District meetings, where held.
5. Notice of time and place to be given.
6. Mode of giving notice.
7. Moderator, adjournment.
8. Qualification of voters.
9. Clerk to record names of voters on request.

SECTION 1. Notice of the time, place and object of holding the first meeting of a district for organization, or for a meeting to choose officers or transact other business, in case there be no trustees authorized to call a meeting, shall be given by the school committee of the town, at such time, and in such manner as they may deem proper.

SEC. 2. Every school district when organized shall hold an annual meeting in the month of March, April or May of each year, for choice of officers and transaction of any other business relating to schools.

SEC. 3. The trustees may call a special meeting for election, or other business at any time, and shall call one to be held within seven days on the written request of any five qualified voters, stating the object for which they wish it called; and if the trustees neglect or refuse to call a special meeting when requested, the school committee may call it and fix the time therefor.

SEC. 4. District meetings shall be held at the school-house unless otherwise ordered by the district. If there be no school-house, or place appointed by the district, the trustees, or if there be no trustees, the school committee shall determine the place, which shall always be within the district.

SEC. 5. Notice of the time and place of every annual meeting, and of the time, place and object of every special meeting, shall be given for five days inclusive before holding the same.

SEC. 6. The trustees shall give notice of a district meeting, either by publishing the same in a newspaper published in the district, or by putting the notice on the district school-house or on a sign-post within the district, or if there be no newspaper, school-house or sign-post, then in such manner as the school committee may direct: *Provided*, that the district may, from time to time, prescribe the mode of notifying meetings, and the trustees shall conform thereto.

SEC. 7. Every district meeting may appoint a moderator and adjourn from time to time.

SEC. 8. Every person residing in the district, may vote in district meetings to the same extent and with the same restrictions

as he would at the time be qualified to vote in town meeeting, but no person shall vote upon any question of taxation of property, or expending money raised thereby, unless he shall have paid, or be liable to pay, a portion of the tax.

SEC. 9. The clerk of the district shall record the number and names of the persons voting, and on which side of the question, at the request of any qualified voter.

CHAPTER 63.

OF JOINT SCHOOL DISTRICTS.

SECTION
1. Grammar-school may be established by adjoining districts.
2. Such districts to constitute a school district.
3. Meeting for organization, time and place of.
4. Public money, proportion of each district, how drawn and to whom paid.
5. Consolidated districts in the same town, powers of.
6. To receive public money as if not united.
7. Mode of organization.
8. Consolidated districts in different towns, how formed.
9. Meeting for organization, how and by whom called.
10. Powers, and supervision of such districts.
11. What portion of money entitled to.
12. Corporate property, how owned.
13. Apportionment of property when districts are divided.
14. District added to another owning property, to pay its proportion, if demanded.

SECTION 1. Any two or more adjoining primary school districts in the same or adjoining towns, may by a concurrent vote, agree to establish a secondary or grammar school, for the older and more advanced children of such districts.

SEC. 2. Such associating districts shall constitute a school district for all the purposes of providing a school-house, fuel, furniture and apparatus, and for the election of a board of trustees, to consist of one member from each associating district, and for the laying of a tax for school purposes, and fixing rates of tuition, with all the rights and privileges of a school district so far as the secondary school is concerned.

SEC. 3. The time and place for the meeting for organization of such associating districts may be fixed by the school committees, and any one or more of the associating districts may delegate to the trustees of the secondary school, the care and management of its primary school.

SEC. 4. The school committee of the town or towns in which such secondary school shall be established, shall draw an order in favor of the trustees of said school, to be paid out of the public

money appropriated to each district interested in the secondary school, in proportion to the number of scholars from each.

SEC. 5. Any two or more adjoining school districts in the same town, may by concurrent vote, with the approbation of the school committee, unite together and be consolidated into one district, for the purpose of supporting public schools, and such consolidated district shall have all the powers of a single district.

SEC. 6. Such consolidated district shall be entitled to receive the same proportion of public money the districts would receive if not united.

SEC. 7. The mode of organizing such consolidated district and calling the first meeting thereof shall be regulated or prescribed by the school committee.

SEC. 8. Two or more contiguous districts, or parts of districts in adjoining towns, may be formed into a joint school district by the school committees of such towns concurring therein, and all joint districts which have been or shall be formed, may by them be altered or discontinued.

SEC. 9. The meeting for organization of such joint district shall be called by notice signed by the school committees of such towns, and set up in one or more places in each district, or part of a district.

SEC. 10. Such joint district shall have all the powers of a single school district, and shall be regulated in the same manner, and shall be subject to the supervision and management of the school committee of the town in which the school is located.

SEC. 11. A whole district making a portion of such joint district shall be entitled to its portion of public money in the same manner as if it remained a single district; and when part of a district is taken to form a portion of such joint district, the school committee shall assign to it, its reasonable proportion.

SEC. 12. When any two or more districts shall be consolidated into one, the new district shall own all the corporate property of the several districts.

SEC. 13. When a district is divided, and a portion taken from it, the funds and property, or the income and proceeds thereof, shall be divided among the several parts in such manner as the school committee of the town or towns to which the districts belong, may determine.

SEC. 14. When a part of one district is added to another district or part of a district owning a school-house or other property, such part shall pay to the district or part of a district to which it is added, if demanded, such sum as the school committee may determine.

CHAPTER 64.

OF THE LEVY OF DISTRICT TAXES, AND OF RATE BILLS FOR TUITION.

SECTION
1. District taxes, how levied.
2. Town assessors to assess value of property, in what cases.
3. Notice of such assessment, how given.
4. Commissioner in certain cases may order assessment.
5. Errors in assessment, how corrected.
6. Abatement of taxes, how and when to be made.
7. School-house and taxes of joint districts, by whom to be approved.
8. Assessment of taxes in joint districts.
9. Rate of tuition, by whom fixed.
10. Limit to rate of tuition.
11. Rate of tuition, when to be fixed by committee.
12. Persons exempt from paying rate bills.
13. Rate bills, how to be paid and collected.
14. When trustees may prescribe rate bills.

SECTION 1. District taxes shall be levied on the ratable property of the district, according to its value in the town assessment then last made, unless the district shall direct such taxes to be levied upon the next town assessment; and no notice thereof shall be required to be given by the trustees.

SEC. 2. The trustees of any school district, if unable to agree with the parties interested, with regard to the valuation of any property in such district, shall call upon one or more of the town assessors not interested, and not residing in the district, to assess the value of such property so situated, in the following cases, namely: When any real estate in the district is assessed in the town tax bill with real estate out of the district, so that there is no distinct or separate value upon it: when any person possessing personal property shall remove into the district after the last town assessment: when a division and apportionment of a tax shall become necessary by reason of the death of any person, or the sale of such property: when a person has invested personal property in real estate, and shall call upon the trustees to place a value thereon: and when property shall have been omitted in the town valuation.

SEC. 3. The assessors shall give notice of such assessment by putting up notices for ten days in three of the most public places in or near the district; and after notice is given as aforesaid, no person neglecting to appear before the assessors shall have any remedy for being overtaxed.

SEC. 4. If a district tax shall be voted, assessed and approved of, and a contract legally entered into under it, or such contract be legally entered into without such vote, assessment or approval, and said district shall thereafter neglect or refuse to proceed and collect a tax, the commissioner, after notice to and hearing of the parties, may appoint assessors to assess a tax, and may issue a warrant to

the collector of the district, or to a collector by him appointed, authorizing and requiring him to proceed and collect said tax.

SEC 5. Errors in assessing a tax may be corrected, or the tax reassessed in such manner as may be directed or approved by the commissioner.

SEC. 6. When any person who has paid a tax for building or repairing a school-house in one district, shall, by alteration of the boundaries thereof, become liable to pay a tax in any other district, if such person cannot agree with the district, such abatement of the tax may be made as the school committee, or in case of a district composed from different towns, as the commissioner may deem just and proper.

SEC. 7. When a joint district shall vote to build or repair a school-house by tax, the amount of the tax and the plan and specifications of the building and repairs shall be approved by the school committees of the several towns, or by the commissioner.

SEC. 8. In case of assessing a tax by a joint or secondary district, if the town assessments be made upon different principles, or the relative value be not the same, the relative value and proportion shall be ascertained by one or more persons, to be appointed by the commissioner, and the assessment shall be made accordingly.

SEC. 9. Any school district, in addition to the money received from the state and town appropriations, may fix or authorize its trustees to fix, subject to the approval of the school committee of the town, a rate of tuition, to be paid by the persons attending school, or by their parents, employers or guardians, towards the expense of fuel, books and other expenses, including estimated deficiencies of payments.

SEC. 10. The rate of tuition so fixed, shall not exceed one dollar for each scholar for any term of eleven weeks, except in towns or districts where different grades of schools are established; and in such towns or districts the rate for the higher grades shall not exceed two dollars for each scholar, for the same time.

SEC. 11. In all cases in which there is no district organization, the school committee may fix the rate of tuition.

SEC. 12. The district, the trustees, or committee, shall exempt from the payment of any such rate bill any person whom they shall consider unable to pay the same.

SEC. 13. All such rate bills may be required to be paid in advance, or may be delivered to the town or district collector, and may be by them collected in the same manner as town taxes are collected.

SEC. 14. The trustees may prescribe and collect a rate in their discretion, sufficient to keep the school for the four months required by law, without any vote of the district.

CHAPTER 65.

OF THE TRUSTEES OF SCHOOL DISTRICTS.

SECTION
1. Trustees to have care of school-houses and employ teachers.
2. To provide school-rooms, and visit schools.
3. To provide in certain cases books for scholars.
4. To make tax and rate bills, and issue warrants.
5. To make returns to school committee.
6. To receive no compensation unless by district tax.

SECTION 1. The trustees of the school districts shall have the custody of the school-house and other district property, and shall employ one or more qualified teachers for every fifty scholars in average daily attendance.

SEC. 2. They shall provide school-rooms and fuel, and shall visit the schools twice at least during each term, and notify the committee or superintendent of the time of opening and closing the school.

SEC. 3. They shall see that the scholars are properly supplied with books, and in case they are not, and the parents, guardians or masters have been notified thereof by the teacher, shall provide the same at the expense of the district, and add the same to the next rate bill of such person.

SEC. 4. They shall make out the tax bill and rate bills for tuition against the person liable to pay the same, and deliver the same to the collector with a warrant by them signed annexed thereto, requiring him to collect and pay over the same to the treasurer of the district.

SEC. 5. They shall make returns to the school committee in manner and form prescribed by them or by the commissioner, or as may be required by law, and perform all other lawful acts required of them by the district, or necessary to carry into full effect the powers and duties of districts.

SEC. 6. Trustees shall receive no compensation for services out of the money received from either the state or town appropriations, nor in any way unless raised by tax by the district.

CHAPTER 66.

OF THE POWERS AND DUTIES OF SCHOOL COMMITTEES.

SECTION
1. Chairman and clerk, how chosen and removed.
2. Stated meetings when held, and quorum of.

SECTION
3. Committee may alter and discontinue districts.
4. To locate all school-houses.
5. Land for school-house sites, if taken without owners' consent, how appraised.
6. Appeals, how taken.
7. Committee to examine teachers, and when to annul certificates.
8. To visit schools, when and how often.
9. May employ person to visit schools.
10. To make rules and regulations for schools.
11. May suspend or expel pupils.
12. Vacancies in committee, how filled.
13. Committee to manage schools if town is not divided into districts.
14. Apportionment of the town's share of thirty-five thousand dollars.
SECTION
15. Of fifteen thousand dollars.
16. Of registry tax and other funds.
17. Notice of apportionments to be given to trustees.
18. Orders on town treasurer, in what cases, and on what conditions to be given.
19. Orders, to whom payable.
20. Orders not to be given unless services have been performed.
21. Money forfeited, or unexpended, how to be divided.
22. Reports to commissioner, and town, when to be made.
23. Expense of printing reports, how to be paid.
24. Attendance of children in adjacent districts, or towns.

SECTION 1. The school committee of each town shall choose a chairman and clerk, either of whom may sign any orders or official papers, and may be removed at the pleasure of said committee.

SEC. 2. They shall hold at least four stated meetings, viz.: on the second Mondays of January, April, July and October, in every year, and as much oftener as the state of the schools shall require. A majority of the number elected shall constitute a quorum, unless the committee consist of more than six, when four shall be a quorum, but any number may adjourn.

SEC. 3. They may alter and discontinue school districts, and shall settle their boundaries when undefined or disputed; but no new district shall be formed with less than forty children, between the ages of four and sixteen, unless with the approbation of the commissioner.

SEC. 4. They shall locate all school-houses, and shall not abandon or change the site of any without good cause.

SEC. 5. In case the school committee shall fix upon a location for a school-house in any district, and the district shall have passed a vote to erect a school-house, or where there is no district organization and the committee shall fix upon a location for a school-house, and the proprietor of the land shall refuse to convey the same, or cannot agree with the district for the price thereof, the school committee of their own motion, or upon application of the district, shall be authorized to appoint three disinterested persons, who shall notify the parties and decide upon the valuation of the land; and upon the tender, or payment of the sum so fixed upon, to the proprietor, the title to the land so fixed upon by the school committee, not exceeding one quarter of an acre, shall vest in the district for the purpose of maintaining a school-house and the necessary appendages thereof.

SEC. 6. An appeal in such cases shall be allowed to the court of

common pleas in the same manner and with the same effect, as is provided by law, in cases of laying out of highways.

SEC. 7. The committee shall examine by themselves or by some one or more persons by them appointed, all applicants for the situation of teachers in the public schools of the town, and shall after five days' notice in writing annul the certificates of such as prove unqualified or will not conform to the regulations of the committee, and in such case shall give immediate notice thereof to the trustee of the district in which such teacher is employed.

SEC. 8. They shall visit by one or more of their number every public school in the town, at least twice during each term, once within two weeks of its opening, and once within two weeks of its close, at which visits they shall examine the register and other matters touching the school-house, library, studies, books, discipline, modes of teaching and improvement of the schools.

SEC. 9. The committee may employ some person, of or not of their number, to perform the duty required of them by the next preceding section, and such person shall receive such compensation as the committee may allow, out of the money raised by the town, or as the town may allow.

SEC. 10. They shall make and cause to be put up in each school-house rules and regulations for the attendance and classification of the pupils, for the introduction and use of text-books, and works of reference, and for the instruction, government and discipline of the public schools, and shall prescribe the studies to be pursued therein.

SEC. 11. They shall suspend during pleasure, or expel during the school term, all pupils found guilty of incorrigibly bad conduct, or violation of the school regulations, and shall re-admit them on satisfactory evidence of amendment.

SEC. 12. They shall fill any vacancy in the committee occasioned by death, declining or refusing to serve, resignation, removal from office or from the town, or otherwise.

SEC. 13. Where a town is not divided into districts, or shall vote in a meeting duly notified for that purpose, to provide schools, without reference to such division, the committee shall manage and regulate said schools, and draw all orders for the payment of their expenses.

SEC. 14. When the public schools are maintained by district organization, the committee shall apportion, as early as practicable in each year, among the districts, the town's proportion of the sum of thirty-five thousand dollars received from the state, one half equally, and the other half according to the average daily attendance of the schools of the preceding year.

SEC. 15. When the town is divided into school districts having the management of their own concerns, the committee shall apportion equally among all the districts of the town, the town's proportion of the sum of fifteen thousand dollars received from the state.

SEC. 16. They shall apportion the money received from the town, from the registry tax, from funds or other grants, either

equally or in such proportion as the town may direct, and for want of such direction, then in such manner as they deem best.

SEC. 17. They shall, immediately after making the apportionment among the several districts as provided in the three sections next preceding, give notice to the trustees of the amounts so apportioned to each district.

SEC. 18. They shall draw an order on the town treasurer in favor of such districts only, as shall have made a return to them in manner and form prescribed by them or by the commissioner, or as may be required by law, from which it shall appear that for the year ending on the first of May previous, one or more public schools have been kept for at least four months by a qualified teacher in a school-house approved by the committee or commissioner, and that the money designated "teachers' money," received the year previous, has been applied to the wages of teachers and to no other purpose.

SEC. 19. Such orders may be made payable to the trustees or their order, or to the district treasurer, or teacher, and if the treasurer receive the money, he shall pay it out to the order of the trustees.

SEC. 20. The committee shall not give any such order until they are satisfied the services have actually been performed for which the money is to be paid; and the register, properly kept, has been deposited with the committee, or with some person by them appointed to receive the same.

SEC. 21. At the end of the school year any money appropriated to any district which shall be forfeited, and the forfeiture not remitted, or which shall remain unexpended, may be divided by the committee among the districts the following year.

SEC. 22. The committee shall prepare, and submit annually, a report to the commissioner, on or before the first day of July, in manner and form by him prescribed; also a written or printed report to the town at the annual town meeting, when the school committee is chosen, setting forth their doings, the state and condition of the schools, and plans for their improvement, which report, unless printed, shall be read in open town meeting, and they shall transmit a copy thereof to the commissioner, on or before the first day of July in each year.

SEC. 23. The committee may reserve annually out of the public appropriation, a sum not exceeding twenty dollars to defray the expense of printing their report.

SEC. 24. The school committee of any town, or trustees of any school district, may make arrangements with the school committee of any adjacent town, or trustees of any adjacent district, for the attendance of such children as will be better accommodated in the public schools of such adjacent town or district, and may pay such portion of the expense as may be just and proper.

CHAPTER 67.

OF TEACHERS.

SECTION
1. Certificate of qualification required.
2. Certificate valid for one year.
3. Qualifications of teachers.
4. Teachers may be dismissed.
5. Teachers to keep register of scholars attending school, and prepare district's return.
6. Moral instruction.

SECTION 1. No person shall be employed in any town to teach as principal or assistant in any school, supported entirely or in part by the public money, unless he has a certificate of qualification, signed either by the school committee of the town, or by some person or persons appointed by said committee.

SEC. 2. Such certificate, unless annulled, if signed by the school committee, shall be valid within the town for one year.

SEC. 3. The school committee shall not sign any certificate of qualification unless the person named in the same shall produce evidence of good moral character, and be found on examination qualified to teach the English language, arithmetic, penmanship, and the rudiments of geography and history, and to govern a school.

SEC. 4. The school committee of any town may dismiss any teacher who shall refuse to conform to the regulations by them made, or for other just cause, and in such case shall give immediate notice to the trustees of the district.

SEC. 5. Every teacher in any public school shall keep a register of all the scholars attending said school, their sex, ages, names of parents or guardians, the time when each enters and leaves the school, the daily attendance; together with the days of the month on which the school is visited by any officer connected with public schools, and shall prepare the district's return to the school committee of the town, if requested to do so by the trustees.

SEC. 6. Every teacher shall aim to implant and cultivate in the minds of all children committed to his care, the principles of morality and virtue.

CHAPTER 68.

OF LEGAL PROCEEDINGS RELATING TO PUBLIC SCHOOLS.

SECTION
1. Appeals from decisions relating to public schools, to whom made; duty of commissioner to hear and decide.
2. Statement of facts may be presented to justice of supreme court.

SECTION
3. Appeals, rules of, prescribed by commissioner.
4. Matters in dispute may be submitted to commissioner by agreement.
5. Votes ordering district taxes or rate bills, final, unless appealed from.
6. Cost, in what cases not to be taxed against school officers.
7. Suit against district may be answered by inhabitant of district.
8. School-house and lot exempt from attachment.
SECTION
9. Judgments against school districts, how satisfied.
10. Same subject.
11. Process against school district, how to be served.
12. Inhabitants of districts may be witnesses.
13. Record of clerk of district *primâ facie* evidence.
14. Commissioner to hear and decide appeals.

SECTION 1. Any person aggrieved in consequence of any decision or doings of any school committee, district meeting, trustees, or in any other matter arising under this title, may appeal to the commissioner of public schools, who is hereby authorized and required to examine and decide the same without cost to the parties.

SEC. 2. The commissioner may, and if requested, on hearing of such appeal, by either party, shall, lay a statement of the facts of the case before some one of the justices of the supreme court, whose decision shall be final.

SEC. 3. The commissioner may prescribe from time to time rules regulating the time and manner of making such appeals, and to prevent their being made for trifling and frivolous pretences.

SEC. 4. Any persons having any matter of dispute between them arising under this title, may agree in writing to submit the same to the adjudication of said commissioner, and his decision therein shall be final.

SEC. 5. If no appeal be taken from a vote of a district relating to the ordering of a tax or rate bill, or from the proceedings of the officers of the district in assessing the same, or if on appeal, such proceedings are confirmed, the same shall not again be questioned before any court of law or magistrate whatever: *Provided*, that this section shall not be construed to dispense with legal notice of the meeting, or with the votes or proceedings being approved by the school committee or commissioner, whenever the same is required by law.

SEC. 6. In any civil suit before any court, against any school officer, for any matter which might by this chapter have been heard and decided by the commissioner, no cost shall be taxed for the plaintiff, if the court are of opinion that such officer acted in good faith.

SEC. 7. Any inhabitant of a district, or person liable to pay taxes therein, may be allowed by any court to answer a suit brought against the district, on giving security for costs, in such manner as the court may direct.

SEC. 8. The school-house lot, with the school-house and appendages, shall be exempt from attachment, or sale on execution in any suit against the district.

SEC. 9. When judgment shall be recovered in any court of record against any school district, the court rendering judgment shall order a warrant to be issued, if no appeal be taken, to the assessors of taxes of the town in which such district is situated, or in case of a joint district, composed of parts of towns, then to one or more of the assessors of each town, with or without designating them, requiring them to assess upon the ratable property in said district, a tax sufficient to pay the debts or damages, costs, interest, and a sum in the discretion of the court sufficient to defray the expenses of assessment and collection. Said assessors shall, without a new engagement, proceed to assess the same, giving notice as in case of other district taxes.

SEC. 10. Said warrant shall also contain a direction to the collector of the town, or in case of a joint district, then to the collector of either town the court may direct, requiring him to collect said tax; and said warrant, with the assessment annexed thereto, shall be a sufficient authority for the collector, without a special engagement, to proceed and collect the same with the same power as in case of a town tax; and when collected, he shall pay over the same to the parties to whom it may belong, and the surplus, if any, to the district. And the court may require a bond of the collector at their discretion.

SEC. 11. When any writ, summons or other process shall issue against any school district in any civil suit, the same may be served on the treasurer or clerk, and if there are no such officers to be found, the officer charged with the same may post up a certified copy thereof on the door of the school-house, and if there is no school-house, then in some most public place in the district, and the same when proved to the satisfaction of the court, shall constitute a sufficient service thereof.

SEC. 12. Inhabitants of school districts, or persons paying taxes therein, shall be competent witnesses in all civil and criminal cases, notwithstanding such interest, if not otherwise disqualified.

SEC. 13. The record of a clerk of a district, that a meeting has been duly or legally notified, shall be *primâ facie* evidence that it has been notified as the law requires. The clerk shall procure, at the expense of the district, a suitable bound book for keeping the record therein.

SEC. 14. The commissioner shall hear and decide all appeals, and may remit all fines, penalties and forfeitures incurred by any town, district or person under any of the provisions of this title, except the forfeiture incurred by any town for not raising its proportion of money as specified in section four, of chapter fifty-nine of this title.

CHAPTER 69.

OF THE NORMAL SCHOOL, TEACHERS' INSTITUTES AND LECTURES.

SECTION
1. Normal school, appropriation for support of.
2. Teachers' institutes, appropriation for.
3. Lectures, appropriation for.
4. Appropriations to be paid upon order of commissioner; report to be made to auditor, and to general assembly.

SECTION 1. A sum not exceeding three thousand dollars is hereby annually appropriated for the establishment and support of a normal school for the training of teachers of common schools.

SEC. 2. A sum not exceeding three hundred dollars is hereby annually appropriated for defraying the expenses of teachers' institutes.

SEC. 3. A sum not exceeding five hundred dollars is hereby annually appropriated for providing suitable lectures and addresses in the several school districts, upon the subject of education and the best modes of teaching and improving the schools.

SEC. 4. The sums aforesaid shall be respectively paid upon the order of the commissioner, who shall annually render to the state auditor an account of the expenditures of such sums with the vouchers therefor; and shall annually report to the general assembly the mode of expending said appropriations.

CHAPTER 70.

OF TRUANT CHILDREN AND ABSENTEES FROM SCHOOL.

SECTION
1. Towns may make ordinances respecting truants.
2. Penalty for violation of such ordinances.
3. Ordinances to be approved by the commissioner.
4. Towns to appoint persons to make complaints for the violation of such ordinances.

SECTION 1. Each of the several towns of this state is authorized and empowered to make all needful provisions and arrangements concerning habitual truants, and children between the ages of six and sixteen years, not attending school, without any regular and lawful employment, and growing up in ignorance, and, also, such ordinances and by-laws respecting such children as shall be deemed most conducive to their welfare, and the good order of such town.

SEC. 2. There shall be annexed to such ordinances suitable penalties not exceeding, for any one breach thereof, a fine of ten dollars, or, instead of such fine, the offender may be committed for a period not exceeding one year to any such institution of instruction, or suitable situation, as may be provided for that purpose under the authority given in the section next preceding: *Provided*, that no child shall be sent to any place used for the reception of criminals, or to any reform school.

SEC. 3. Such ordinances and by-laws shall not take effect until approved by the commissioner of public schools.

SEC. 4. The several towns, availing themselves of the provisions of this chapter shall appoint, at their annual town meetings, or annually by their town councils, three or more persons, who alone shall be authorized to make the complaints, in case of violation of said ordinances or by-laws, to the justice of the peace, or court which, by said ordinances shall have jurisdiction in the matter; and said persons thus appointed shall alone have authority to carry into execution the judgment of said justice or court.

CHAPTER 71.

GENERAL PROVISIONS RELATING TO PUBLIC SCHOOLS.

SECTION

1. No person excluded from school unless by general rule.
2. School officers to be sworn.
3. Engagement of district clerk, and effect of his record.
4. Fine for neglect to take engagement.
5. Tenure of office of school officers.
6. Penalty for neglect of duties.
7. School officers refusing to account, to be liable to suit.
8. School committee may visit schools incorporated or aided by the state.
9. Penalty for refusing to admit such committee.
10. Penalty for nuisances near schoolhouses.
11. Construction of the word "town."
12. Public schools in city of Providence, how governed.

SECTION 1. No person shall be excluded from any public school in the district to which such person belongs, if the town is divided into districts, or if not so divided, from the nearest public school, on account of being over fifteen years of age, nor except by force of some general regulation applicable to all persons under the same circumstances, and in no case on account of the inability of himself, his parents, guardian or employer, to pay any rate bill, tax or assessment whatever.

SEC. 2. All school officers appointed under the provisions of this title, except the moderator of a district meeting, shall take an engagement before some judge, senator, justice or warden, notary, town clerk, member of the town council, or chairman or clerk of the school committee, to support the constitution of the United

States, the constitution and laws of this state, and faithfully to discharge the duties of their several offices, so long as they continue therein.

SEC. 3. The clerk of the district may take the engagement in open district meeting, before the moderator, or any magistrate present, and the clerk's record that any district officer has been duly engaged, shall be *primâ facie* evidence thereof; and all district school officers may be engaged by the clerk of the district.

SEC. 4. If any school officer shall not take such engagement within a reasonable time, he shall be fined one dollar, but all acts of such officers otherwise lawful, shall be valid from the time of their election or appointment.

SEC. 5. All officers under the provisions of this title shall, without a new engagement, hold their offices until the time of the next annual election or appointment for such office, and until other persons are appointed in their places.

SEC. 6. Any officer who shall make any false certificate, or appropriate any public school money to any purpose not authorized by law, or who shall refuse for a reasonable charge to give certified copies of any official paper, or to account or deliver to his successor, any accounts, papers or money in his hands, or shall wilfully or knowingly refuse to perform any duty of his office, or violate any provisions of any law regulating public schools, except where a particular penalty may be prescribed, shall be fined not exceeding five hundred dollars, or imprisoned not exceeding six months, and shall besides be liable to suit for damages by any person injured thereby.

SEC. 7. Any such officer refusing to account or to deliver over any accounts, papers or moneys to his successor in office, shall, in addition to the foregoing penalty, be liable to a suit therefor to be brought by such successor.

SEC. 8. Any school or asylum incorporated by or receiving aid from the state, either by direct grant or by exemption from taxation, shall be liable to be examined or visited by the school committee of the town or city in which such institution is situated, whenever the committee shall see fit.

SEC. 9. Any such institution refusing to admit such committee, when requested, shall be fined one hundred dollars; and their exemption from taxation shall thereafter cease and be determined.

SEC. 10. If any person shall keep any swine, of any description, in any pen or other inclosure, or who shall keep or suffer to be kept any other nuisance within one hundred feet of any district school-house, or within one hundred feet of any fence inclosing the yard of any such school-house, he shall be fined twenty dollars, one half thereof to and for the use of the school district in which said offence is committed, and the other half thereof to and for the use of the state.

SEC. 11. In the construction of this title, except in the construction of the seventieth chapter thereof and the eighth and ninth sections of this chapter, the word town shall include the city of Providence only so far as to entitle said city to a distributive share

of the public money, upon making a report to the commissioner in the same manner as the school committees of other towns are required to do.

SEC. 12. The public schools in said city shall continue as heretofore to be governed according to such ordinances and regulations as the proper city authorities may from time to time adopt.

TITLE XIV.

Of Internal Police.

CHAPTER 72. Of nuisances.
CHAPTER 73. Of the suppression of certain nuisances.
CHAPTER 74. Of regulations for the prevention of infectious and contagious diseases.
CHAPTER 75. Of quarantine.
CHAPTER 76. Of the registration of births, deaths and marriages.
CHAPTER 77. Of licensed houses.
CHAPTER 78. Of the suppression of intemperance.
CHAPTER 79. Of shows and exhibitions.
CHAPTER 80. Of bowling-alleys, billiard tables and shooting galleries.
CHAPTER 81. Of fire-arms and fireworks.
CHAPTER 82. Of dogs.
CHAPTER 83. Of birds.
CHAPTER 84. Of stakes and buoys.
CHAPTER 85. Of pilots and pilotage in Pawtucket river.
CHAPTER 86. Of wrecks and shipwrecked goods cast upon Block Island.
CHAPTER 87. Of sea-weed.

CHAPTER 72.

OF NUISANCES.

SECTION
1. Town councils to provide for the removal of nuisances, and causes injurious to health.
2. Orders of town councils to be executed by sheriffs and other officers.
3. Town councils may designate places for slaughtering animals.
4. Town councils, after notice, may withdraw the right to use such places.

SECTION
5. Penalty for slaughtering in such places after notice.
6. Towns liable for damages consequent upon the withdrawal of such right.
7. Farmers may slaughter their cattle on their own premises.
SECTION
8. Town councils may prohibit burials in compact parts of town.
9. Town councils may designate places for the manufacture of any article or substance.

SECTION 1. If nuisances or other causes injurious to the health of the inhabitants of any town, shall not be removed by the person permitting or erecting the same, pursuant to any order or regulation of the town council of the town, it shall be the duty of the town council thereupon to adopt such measures as they shall deem effectual for the removal of such nuisances, or other causes injurious to the health of the inhabitants as aforesaid, at the proper charge and expense of the person erecting or permitting the same.

SEC. 2. The sheriff, his deputies, and the town sergeants and constables of the several towns, shall execute all such precepts and orders as shall be to them directed by said town councils for carrying into execution the provisions of the section next preceding.

SEC. 3. The town councils of the several towns shall have power to designate and establish the place or places where the business of slaughtering cattle and other animals shall be carried on, which place or places, when so designated and established, shall vest in the occupant or owner thereof, a right to the use and occupancy of said place or places for the purposes aforesaid, until the same be withdrawn or suspended in the manner hereinafter provided.

SEC. 4. Whenever in the judgment of the town council of any town, the convenience or health of said town requires that the right of slaughtering, as provided in the section next preceding, should be withdrawn or suspended, the said town council may suspend or withdraw said right, first giving to the owner or occupant of such place or places, two months notice in writing of the intention to suspend or withdraw the same.

SEC. 5. Any person who shall, after such notice has been given as aforesaid, commence or continue to exercise or carry on the business of slaughtering cattle or other animals, in such place or places, shall be fined fifty dollars for every day during which he shall continue to exercise or carry on the business aforesaid.

SEC. 6. In case of the suspension or withdrawal by any town council of the said right to slaughter cattle or other animals, the said town shall be liable to the person to whom such right has been granted, for any loss or damage consequent upon the withdrawal or suspension of said right, to be recovered at a special court of common pleas, in the manner provided by law, for cases within the jurisdiction of said court.

SEC. 7. Nothing herein contained shall be construed to deprive any farmer, not engaged or concerned in the business of slaughtering cattle or other animals, from erecting or continuing to use any building on his premises, for the purpose of slaughtering his own cattle or other animals from time to time as before accustomed to do.

SEC. 8. Town councils of the several towns shall have power to prohibit burials in the compact or thickly populated parts of any town, and to make such by-laws and ordinances relating to the same, and the use of grounds for burials in such localities as they may think necessary for preserving the health of such neighborhood, and to enforce such ordinances in the manner provided in the first and second sections of this chapter.

SEC. 9. The provisions of the third, fourth and fifth sections of this chapter shall extend to the place of any manufacture of, or of working in, any article, product or substance: *Provided* that prior to any action of the town council under this section, public notice of the pendency of any petition therefor shall be given in such mode and for such time as said council shall prescribe.

CHAPTER 73.

OF THE SUPPRESSION OF CERTAIN NUISANCES.

SECTION
1. Buildings used for certain purposes declared common nuisances.
2. Penalty for keeping such common nuisance.
3. Evidence, what is sufficient to establish as a common nuisance, premises used for the illegal sale of strong liquors.
4. Leases of premises used for purposes declared nuisances to be void.
5. Persons letting or permitting their buildings to be used for such purposes, or, after notice of such use, neglecting to eject tenants, deemed aiders of such nuisance.
6. Town councils may pass ordinances for the abatement of, and may remove such nuisances.

SECTION 1. All buildings, places or tenements used as houses of ill fame, resorted to for prostitution, lewdness, or for illegal gaming, and all grogshops, tippling-shops, or buildings, places, or tenements used for the illegal sale or keeping of intoxicating liquors, or where intemperate, idle, dissolute, noisy or disorderly persons are in the habit of resorting, are hereby declared to be *common nuisances*, and are to be regarded as such.

SEC. 2. Any person keeping or maintaining any such common nuisance shall be fined not less than one hundred dollars, nor more than one thousand dollars, or be imprisoned not less than sixty days nor more than one year, such person to be proceeded against by indictment.

SEC. 3. It shall not be necessary to prove an actual sale of intoxicating liquors in any building, place or tenement, in order to establish the character of such premises as a common nuisance, but the notorious character of any such premises, or the notoriously bad or intemperate character of persons visiting the same, or the keeping of the implements or appurtenances usually appertaining to grogshops, tippling-shops, or places where intoxicating

liquors are sold, shall be *primâ facie* evidence that such premises are nuisances within the meaning of the first section of this chapter.

SEC. 4. If any person, being a tenant or occupant under any lawful title, of any building or tenement not owned by him, shall use said premises or any part thereof for any of the purposes enumerated in the first section of this chapter, such use shall annul and make void the lease or other title under which said occupant holds, and without any act of the owner, shall cause to revert and vest in him the right of possession thereof, and said owner may make immediate entry, without process of law, upon the premises.

SEC. 5. If any person shall knowingly let any building or tenement owned by him or under his control, for any of the purposes enumerated in the first section of this chapter, or shall knowingly permit any such building or tenement, or part thereof, to be so used while under his control, or shall, after five days notice from any officer or magistrate of any such use of said building or tenement, omit to take all reasonable measures to eject the said person or persons from said premises as soon as the same may lawfully be done, he shall be deemed and taken to be guilty of aiding in the maintenance of such nuisance, and shall be fined not less than one hundred dollars nor more than one thousand dollars, or be imprisoned in the county jail not less than sixty days, nor more than one year.

SEC. 6. The town councils of the several towns, and the board of aldermen of the cities of Providence and Newport are hereby empowered to pass such ordinances, not inconsistent with this chapter, as they may deem most effectual for the prevention, suppression or abatement of any such nuisance as is described in the first section of this chapter, or the said town councils or boards of aldermen may remove or cause to be removed any such nuisance in the same manner as is by law provided for the removal of other nuisances.

CHAPTER 74.

OF REGULATIONS FOR THE PREVENTION OF INFECTIOUS AND CONTAGIOUS DISEASES.

SECTION
1. Vessel infected with contagious disease not to anchor within one mile of any landing-place; no person to be landed from, or to go on board of, such vessel, without license.
2. Signals to be kept in the shrouds of such vessel.
3. Persons leaving such vessel to be sent back, and to be fined.
4. Physician to be sent on board to examine such vessel and persons on board.
5. Persons on board to be kept there, or sent to hospital.
6. Persons appointed to take care of and cleanse infected goods in such vessels.
7. Goods when cleansed to be delivered to owner; charges a lien on the goods.

SECTION
8. Goods not infected to be delivered to owner; if brought by land from infected place to be cleansed.
9. Infected goods landed clandestinely to be forfeited.
10. Town councils to adjust charges for cleansing goods, and attending the sick.
11. Town treasurer to sue for such charges if person liable refuses to pay.
12. Charges for nursing mariners a lien on their wages.
13. Persons coming into the state by land from infected place to be fined.
14. Town councils may appoint persons to examine persons coming from infected places.
15. Keepers of public or boarding-houses to give notice of smallpox in their houses.
16. Penalty for neglecting to give such notice.
17. Duties of town councils upon receiving such notice.

SECTION
18. Expense of guarding and cleansing infected houses, by whom paid.
19. Town councils may remove infected persons to hospital.
20. Houses infected not to be visited without license.
21. Flag to be placed and kept near front door of infected house.
22. Penalty for wilfully spreading any infectious disease.
23. Penalty on physician, surgeon and others for neglect of duty.
24. Town councils may remove persons residing near any infected place.
25. Town councils to provide for vaccination of inhabitants.
26. Vaccinators appointed, to give notice.
27. Record of vaccinations to be deposited in office of town clerk.
28. Town clerk to keep such records.
29. Record need not be kept when vaccination is annually provided for.

SECTION 1. Every commander of any vessel which shall come into any port or harbor of this state, and shall have any person on board sick of the smallpox or any contagious or infectious distemper, or which has had any person sick of such distemper in the passage, or which shall come from any port or place usually infected with the smallpox, or where any other contagious or infectious distemper is prevalent, who shall bring such vessel to anchor in any of the ports of this state within the distance of one mile of any public ferry, pier or landing-place, or permit or suffer any person on board such vessel to be landed, or any person to come on board such vessel without a license first had and obtained from the town council of such town where such vessel shall arrive, shall be fined four hundred dollars.

SEC. 2. Such commander on his first arrival in any port in this state, shall hoist and keep his colors in the shrouds of such vessel, as a signal of having come from any such infected place, or having infection or contagion on board.

SEC. 3. If any person shall come on shore from on board such vessel without license first had and obtained as aforesaid, the town council may send back such offender immediately on board such vessel, or confine him on shore in such convenient place as to them shall appear most effectual to prevent the spreading of any infection; and the person so offending shall satisfy and pay all charges that shall arise thereon, and shall also be fined forty dollars.

SEC. 4. The town council of the town where such vessel shall arrive shall send a physician, or other suitable person, to examine into and make report to them of the true state of such vessel and

the people on board, at the charge of the master or owner of such vessel: and they shall forthwith put on board such vessel some suitable person or persons to secure said vessel, and effectually prevent any communication therewith, at the like charge of the master or owners thereof.

SEC. 5. The town council of such town shall confine on board such vessel, or send to some hospital or other suitable place, all persons who came in said vessel, for a convenient time, until such of them as have or are liable to have the smallpox or other infectious or contagious distemper are perfectly recovered and cleansed from said distemper, or have passed a suitable quarantine; and also all persons who have gone on board said vessel without license as aforesaid, at the charge and expense of such persons respectively.

SEC. 6. The town council of such town shall appoint suitable persons to take effectual care that all goods, wares and merchandise imported in such vessel, which they think liable to hold and communicate the infection or contagion, are landed in some suitable place to be appointed by such council, and cleansed in the manner by them directed, before they are permitted to be brought into any house, shop or warehouse other than where they are cleansed as aforesaid.

SEC. 7. When such goods are sufficiently aired and cleansed, said persons shall give the owners or possessors thereof a certificate to that effect; and the town council shall allow and order said goods, wares and merchandise to be delivered to the owners thereof; and the charge and expense of airing, landing and cleansing such goods, wares and merchandise, shall be borne by the respective owners; and such charge shall be a lien on such goods, wares and merchandise.

SEC. 8. All goods that are judged by the town council not to be infected shall be delivered to the owners without delay and expense of airing, and as soon as may be consistent with the safety of the town in regard to other parts of the cargo; and all goods, wares and merchandise imported into any town by land from any place infected with the smallpox or other contagious or infectious distemper, shall be aired and cleansed at the discretion of the town council of such town, and at the expense of the owners thereof as aforesaid.

SEC. 9. All goods imported in such vessel as aforesaid, that shall be clandestinely landed or brought into any house, shop or warehouse without a certificate and allowance as aforesaid, or that shall be imported by land as aforesaid, and not cleansed or aired by order of the town council as aforesaid, shall be forfeited; one third to the use of the state, and the other two thirds to the use of the person who shall sue for the same.

SEC. 10. The town councils of the respective towns shall fix, settle and adjust all wages and charges demanded by persons employed by them, to secure such vessel, or to air and cleanse such goods, or to attend upon and nurse such persons as aforesaid.

SEC. 11. If any owner, freighter, mariner or passenger as afore-

said, shall refuse to pay such wages and charges so settled, adjusted and fixed, then the town treasurer of such town shall sue for and recover such wages and charges, and the court where such action is brought shall tax double costs for the plaintiff if he recover in his said action.

SEC. 12. For the better securing of the payment of such charges as may arise on the nursing or attending upon any sailor or mariner belonging to such vessel as aforesaid, the master thereof is hereby required to stop payment of the wages due to such mariner, until certified from the town council that such charges are fully satisfied and paid, on penalty of paying the same to the amount of the wages so paid by him; and no court shall make up judgment for any such wages until satisfaction be made as aforesaid.

SEC. 13. When the smallpox or any other infectious or contagious distemper shall be prevalent in any place or town, all persons who shall come from any such infected place or town into this state by land, before the expiration of ten days after they shall have left such infected place or town, shall be fined not exceeding one hundred dollars, nor less than ten dollars.

SEC. 14. The town council in any town are hereby empowered to appoint proper persons at all ferries or places that to them may seem necessary, to examine on oath all persons suspected of violating the provisions of the section next preceding, and on reasonable cause of suspicion, to bring such offenders before some magistrate, that they may be dealt with according to law.

SEC. 15. All persons who keep public houses, or boarders in their houses shall immediately inform the town council of the town wherein they dwell, of any person boarding or lodging in their houses, who has been taken sick of the smallpox or any other contagious or infectious distemper, or suspected to be so.

SEC. 16. Any person violating any provision of the section next preceding shall forfeit twenty dollars to the use of the town, to be sued for in the name of the town treasurer.

SEC. 17. Whenever the town council shall be so notified, they shall make proper examination by some physician or other skilful person; and if it be the smallpox or other contagious or infectious distemper wherewith such person is sick, they shall immediately set a proper guard to prevent the spreading of the contagion or infection, and shall remove said person to any such place in the town as they shall think the most proper to prevent the spreading of the infection or contagion, or to continue the said guard as aforesaid, according as to them shall seem necessary; and likewise they shall confine all such persons as may be by them suspected of having taken the distemper, in some proper place, until they are recovered and cleansed from the said distemper, or have performed a suitable quarantine.

SEC. 18. When the smallpox or other contagious or infectious distemper shall break out in any house, and the infected persons be confined to such house, the town shall be at the expense of guarding the same, and the owner at the charge of cleansing the same, to be settled by the town council, which charges of cleans-

ing, upon refusal to pay the same, shall be recovered by the town treasurer.

SEC. 19. In case the smallpox or other contagious or infectious distemper shall break out in any house or family in any town, the town council thereof may remove any inhabitants of said town, visited with the smallpox or other contagious or infectious distemper, to the hospital in said town or other convenient place, in order to prevent the spreading of the infection; or otherwise at their discretion to place a guard around the dwelling-house of the infected person, as to them shall seem necessary.

SEC. 20. So long as the town council of any town shall endeavor to prevent the spreading of the smallpox, any persons who shall visit any person suspected to have the smallpox, or shall go into the house where suspected persons are confined, without a license first had from the town council of the town or of the attending physician, shall forfeit for every such offence twenty dollars; one half to the use of the town where such offence is committed, and the other half to the use of the person who shall sue for the same; and such persons, on information of their offence, shall be liable to be confined until they are suitably aired and cleansed or have performed suitable quarantine, at the discretion of the town council to whom complaint of the same shall be made.

SEC. 21. When any person shall be found to be infected with the smallpox, it shall be the duty of the householder in whose house such infected person may be or reside, within twenty-four hours thereafter, to place a white flag not less than three feet in length and two in breadth, with the words "smallpox," in large black letters on both sides thereof, and so suspended as to be easily read, at or near the front door or principal entrance to such house, on the outside thereof, and to keep said flag up so long as there shall be any danger of taking the infection from said house.

SEC. 22. Any person who shall be convicted of wilfully and purposely spreading the smallpox or other contagious or infectious distemper within this state, shall be imprisoned for one year; and if any person shall die in consequence of the spreading of the smallpox or other contagious or infectious distemper as aforesaid, the person who shall be convicted of wilfully and purposely spreading the same as aforesaid, shall be fined not exceeding five thousand dollars and be imprisoned not more than five years nor less than one year.

SEC. 23. If any physician, surgeon, or any other person lawfully required by any town council to do any duty relating to the prevention of the spreading of the smallpox, or executing any part of this chapter, shall refuse or neglect to perform the same, the performance whereof being in his power, such physician, surgeon and other person, shall for every offence be fined forty dollars.

SEC. 24. In case any person shall hereafter be sick of any malignant, pestilential or infectious disease in any town, so as to endanger his life by being removed, or in case it shall appear that the disease be so spread that the atmosphere, in the judgment of the town council, has become so contaminated as to endanger the lives of those persons who reside or go into the neighborhood of the

sick, it shall be lawful for the town council of such town to cause all such persons within such neighborhood to be notified to remove therefrom within three days; and if after that time any person shall remain there, the said town council may cause him to be forthwith removed at his own expense: *Provided*, that the expense of the removal of the poor or such as are unable, in the judgment of the town council, to remove themselves, shall be paid out of the town treasury.

SEC. 25. The town councils in the several towns shall, in the month of June one thousand eight hundred and sixty or before that time, and once in five years thereafter, provide for the gratuitous vaccination of the inhabitants thereof.

SEC. 26. The said councils shall contract with and provide a suitable number of vaccinators to vaccinate as aforesaid; and order the treasurer of the several towns respectively to pay them such compensation as may be previously agreed upon; and the said vaccinators shall give due and reasonable notice of the time and place of meeting for the purpose of vaccination.

SEC. 27. The said vaccinators, as soon after fulfilling said contract as may be convenient, shall place in the several town clerks' offices a book, in which shall be by them respectively recorded in a fair and legible hand, the name and age of every patient by them vaccinated as aforesaid, and also such other remarks and observations as they may deem useful.

SEC. 28. The said clerks shall safely keep said books for the accommodation of said vaccinators and others, without any compensation, and deliver the same over to their successors; but they may charge lawful fees for searching the same or for any copies.

SEC. 29. The records required by the two sections next preceding, need not be kept in any town by which provision is annually made for the gratuitous vaccination of the inhabitants thereof.

CHAPTER 75.

OF QUARANTINE.

SECTION
1. Health officer may be appointed in seaport towns; his duties, and compensation.
2. Rules respecting quarantine to be published.
3. Town councils to prescribe ports from which vessels arriving shall be subject to quarantine.
4. Town councils to designate place where vessels subject to quarantine shall anchor.
5. Sentinel to be appointed, his duties, and how paid.
6. Penalty for neglecting to anchor vessel upon being directed by the sentinel.
7. Vessel to be anchored on quarantine ground at expense of owners.
8. Penalty for leaving vessel under quarantine without permission.
9. Persons on board vessels subject to quarantine prohibited from entering certain places without permission.
10. Penalty for entering such places.
11. Sheriffs and other officers to carry into effect regulations respecting quarantine.
12. Penalties, how recovered, and how to enure.

SECTION 1. Each seaport town or the town council thereof may appoint a health officer for such town, who shall visit all vessels which shall be subject to examination or quarantine, and carry into execution all regulations established by the town council, and shall be at all times accountable to said town council, and shall receive for his services such compensation as said council may allow, to be paid by the owners, agents or commanders of such vessels as may be subjected to quarantine or examination.

SEC. 2. Such town council shall cause to be published in one or more newspapers printed in this state, within or nearest the town wherein such rules and regulations shall be adopted, and at the proper cost and expense of the town, all rules and regulations made by them respecting quarantine.

SEC. 3. They shall prescribe from time to time the several ports, places or countries from which vessels arriving shall be subject to examination or quarantine.

SEC. 4. They shall designate the particular place in their harbor, bay or river, adjacent to such town, where all ships or vessels arriving, subject to examination or quarantine, shall come to anchor; and shall define the limits of such quarantine ground, and assign the time for which such ships or vessels shall be detained, and where and how unladen.

SEC. 5. They may appoint a sentinel, who shall be paid by the town and be stationed in some convenient place on shore, or in some boat or vessel properly situated, to hail all ships or vessels which may arrive in such river, bay or harbor; and if such sentinel shall find any ship or vessel is subject to quarantine, he shall direct the commander thereof to come to anchor within the limits of said quarantine ground as aforesaid, and there remain until visited by the health officer, and to place a signal in said vessel's shrouds in such manner as to be seen at a proper distance.

SEC. 6. Any commander of a ship or vessel who shall, upon being hailed and directed by the sentinel as aforesaid, refuse or neglect to bring his ship or vessel to anchor within the limits described as aforesaid, shall be fined not exceeding five hundred dollars nor less than twenty dollars, to the use of the town.

SEC. 7. The town council may order such ship or vessel to be anchored on said quarantine ground, at the expense of the owners, master or commanding officer thereof, there to remain until legally discharged therefrom.

SEC. 8. Any person who shall leave any ship or vessel under order of quarantine as aforesaid, without permission from the health officer or the town council of such town, shall forfeit not exceeding twenty dollars; and said town council may order such person to be returned on board of such vessel, there to remain until said council order him to be dismissed.

SEC. 9. If any vessel shall arrive in the waters of this state, bound to the port of Providence, at any time while the quarantine regulations of said city are in force, no person on board said vessel shall enter into the city of Providence, the village of Pawtuxet, or the compact part of the town of Cranston, until such vessel shall

have been visited and examined by the health officer of said city, and permission shall have been given by such health officer, or by the board of aldermen of said city, to such person to enter therein.

SEC. 10. Every person so entering into said city, village or town as aforesaid, without such permission first had and obtained, shall forfeit not exceeding twenty dollars; and said board of aldermen may cause such person to be returned to such vessel in case she is under quarantine, there to remain until permitted to depart therefrom.

SEC. 11. All sheriffs, deputy sheriffs, town sergeants and constables are required, in their several capacities, to carry the rules and regulations of the several town councils in their several counties into effect.

SEC. 12. All forfeitures for the violation of any of the provisions of this chapter shall be sued for in the name of the town treasurer of the town where the offence was committed, and shall enure to such town.

CHAPTER 76.

OF THE REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES.

SECTION
1. Town clerks or registers to record and make annual returns of births, deaths and marriages to secretary of state.
2. Secretary, with committee of R. I. Med. Soc. to publish abstract of returns.
3. Forms of records of births, deaths and marriages, and what to contain.
4. Monthly returns of marriages to town clerks to be made.
5. Town clerks to ascertain and record births, and fee for.
6. Attending physicians to certify and leave information of deaths.
7. Appointment of undertakers.
8. Undertakers' return to town clerks.
9. Towns to pass by-laws to secure registration, &c.

SECTION
10. Fees of town clerks, &c.
11. Penalties upon clergyman, physician, undertaker, &c., for wilful neglect of registration duty.
12. Names and residence of clergymen, physicians, coroners, undertakers and clerks of societies of Friends to be recorded.
13. Letters of administration, or testamentary not granted until record of death.
14. Books of registry and certified copies of, from evidence.
15. Of records of births, &c., of non-residents.
16. Power of secretary of state to require additional returns.
17. Annual appropriation for making abstract and report for publication.

SECTION 1. The town clerks of the several towns, or in lieu thereof any person whom the board of aldermen of any city, or the town council of any town may, upon the written recommendation of an authorized committee of the Rhode Island Medical Society, appoint for that purpose, are hereby authorized and required to obtain, chronologically record and index, as required by the forms prescribed by the third section of this chapter, all infor-

mation concerning births, marriages and deaths occurring among the inhabitants of their respective towns; and on or before the first Monday of March, annually, to make duly certified returns thereof to the secretary of state, for each year, ending on the thirty-first day of December, accompanying the same with a list of those individuals, required by law to make returns to him, who have neglected the same, and with such remarks relating to the object of the law as they may deem important to communicate.

SEC. 2. It shall be the duty of the secretary of state to receive the returns made in pursuance of the preceding section, and annually, with such assistance as shall be rendered by any authorized committee of the Rhode Island Medical Society, to make and publish, not exceeding one thousand copies, a general abstract and report thereof, in form as prescribed by section third of this chapter. He shall also cause said returns to be arranged, full alphabetical indexes of all the names to be made, the whole to be bound in convenient sized volumes, and carefully preserved in his office, for which he shall receive the sum of fifty dollars.

SEC. 3. The blank forms required to carry out the provisions of this chapter shall, on application, be furnished by the secretary of state to clergymen, physicians, undertakers, town clerks, clerks of the society of Friends, and other persons requiring them, substantially after the following forms, viz.: The record of a *birth* shall state the date and place of birth, name and sex of the child, whether living or stillborn, the name and surname, color, occupation, residence and birthplace of the parents, and the time of recording, so far as the same can be ascertained. The record of a *marriage* shall state the date of the marriage, place, name, residence, and official station of the person by whom married, names and surnames of the parties, age, color, occupation and residence of each, condition, (whether single or widowed,) what marriage, if second, third or other marriage, the occupation, birthplace and name of their parents, and the time of recording, so far as the same can be ascertained. The record of *deaths* shall state the date of death, name and surname of deceased, the sex, color and condition, (single or married,) age, occupation, place of death, place of birth, names and birthplace of parents, disease or cause of death, and the time of recording, so far as can be ascertained.

Of Marriages.

SEC. 4. Every society of Friends, clergymen, and all others, authorized to join persons in marriage, shall make a faithful record of every such rite performed by them, in manner and form aforesaid, and return the same on or before the second Monday of every month, for the last preceding month, to the clerk of the town in which such rite shall have been performed; and no marriage shall be solemnized, until the parties shall have signed and delivered to the authority about to solemnize it, or to the clerk of a society of Friends, a certificate containing the information required for the

record of a marriage as prescribed in the third section of this chapter.

Of Births.

SEC. 5. It shall be the duty of the clerk of each of the towns, annually, in the month of January, to collect the facts required by section third of this chapter, in relation to all children born in the town during the year ending the thirty-first day of December next preceding, and for each full report of a birth so obtained, the clerk shall receive ten cents to be paid by the town in which the birth is recorded.

Of Deaths.

SEC. 6. Whenever any person shall die in the state, it shall be the duty of the physician attending in his or her last sickness, within forty-eight hours after the death, to leave with the family, if any, or persons having the care of the deceased, or to give to the undertaker or person who conducts the funeral, a certificate stating the name of the deceased, the date of the death, and the disease or cause of death.

Of Undertakers.

SEC. 7. There may be appointed by the town authorities of every town, a sufficient number of persons to act as undertakers, removable at the pleasure of the authorities.

SEC. 8. It shall be the duty of the undertaker, or of the person who conducts a funeral or who buries or deposits in a tomb the body of any deceased person, to obtain the facts, required by section third of this chapter in relation to deaths, concerning such deceased person, together with the physician's certificate of the cause of the death, if a physician was in attendance, and on or before the second Monday of the next succeeding month to make a return of the facts obtained together with the physician's certificate, to the clerk of the town in which the death occurred.

SEC. 9. Any town may enact municipal laws, more effectually to attain the objects herein contemplated: *Provided*, They do not conflict with the main and specific object of this act, viz.: to procure the most perfect registration.

Of Fees.

SEC. 10. The town clerks or persons recommended and appointed as aforesaid, shall receive for each record of a birth or death, made and returned as required by law, ten cents, and for each record of a marriage made and returned as required by law twenty cents, to be paid to them out of their respective town treasuries: *Provided*, That the yearly compensation to be paid out of the town treasury as aforesaid, to any one town clerk or person appointed as aforesaid, who shall faithfully perform the duties pre-

scribed by this chapter, shall not be less than five dollars. Undertakers and others making returns of deaths as required in section eight of this chapter shall receive for each full report of a death made to the town clerk, five cents in the cities of Providence or Newport, and ten cents in the other towns of the state.

SEC. 11. If any clergyman, physician, undertaker, town clerk, clerk of any meeting of the society of Friends, or other persons, shall wilfully neglect or refuse to perform any of the duties imposed on, or required of him, by this chapter, he shall, at the discretion of the court or justice trying the cause, on conviction thereof, be fined not exceeding twenty dollars, for each offence, one half thereof to the use of the town in which the offence shall occur, the other half to the use of the person who shall complain of the same.

SEC. 12. In order that it may be more surely ascertained that no clergyman, physician, coroner, undertaker, or clerk of the society of Friends, neglects to make the returns specified in this chapter, each one shall cause his name and residence to be recorded in the clerk's office of the town where he resides.

SEC. 13. No letters of administration, or letters testamentary, shall be granted by any court of probate, upon the effects or estate of any person, until the death of such person, or the facts from which the same is presumed, shall be duly certified, as near as may be to the town clerk, in order that the same may be duly registered according to the provisions of this chapter.

SEC. 14. The said books or registers, or a certificate duly certified by the town clerk, or person appointed as aforesaid, as containing a full copy of the record of any marriage, birth or death, shall hereafter be admitted in any court in this state, as *primâ facie* proof of any marriage, birth or death.

SEC. 15. Births, marriages, and deaths of non-residents, shall be distinguished from those of residents in the returns, by being arranged separately.

SEC. 16. The secretary of state may, from time to time, vary the forms of returns, and require such additional information as he may consider necessary, to effect the object of this chapter.

SEC. 17. The sum of two hundred and fifty dollars annually, to be drawn for by the secretary of state, is appropriated out of the general treasury, to defray the expense incident to examining, collecting and arranging the registration returns, making the necessary tables, and drawing up the report required by the second section of this chapter.

CHAPTER 77.

OF LICENSED HOUSES.

SECTION
1. Town councils to license taverns, cook shops, &c.
2. License, what to specify and how long in force.
3. Penalty for keeping tavern, cook shop, &c., without license.
4. Bond of licensed person.
5. Duty of licensed person.
6. Penalty upon, for breach of duty.
7. Annulment of license by conviction, or judgment on bond.

SECTION 1. The town council of each town shall have power to regulate the keeping of taverns, victualling houses, cook shops, oyster houses and oyster cellars therein, by granting licenses therefor, upon such compensation for the benefit of the town as they shall see fit to impose, or by refusing to grant them.

SEC. 2. Every such license shall specify the person licensed, the business licensed, and the building or room in which he shall pursue the same, and shall continue and be in force until the Thursday next following the first Wednesday in April, unless sooner revoked for cause.

SEC. 3. If any person in any town shall open, or keep open, any tavern, victualling house, cook shop, oyster house or oyster cellar, without license first had and obtained from the town council of such town, or in any place other than that specified in such license, such person shall be fined fifty dollars for every offence, one half thereof to the use of the town in which the offence shall have been committed, and the other half to the use of the state.

SEC. 4. Every person licensed as aforesaid, shall give bond in the sum of one hundred dollars, to the town in which said license shall be granted, with surety satisfactory to the town council, and with conditions to comply with the provisions of his license and of law.

SEC. 5. Every licensed person shall maintain good order in the building licensed, and shall not sell, or suffer to be sold, any ale, wine, or strong liquor therein; nor shall he suffer any person in said licensed building to become intoxicated, nor shall he under any circumstances take in pawn or pledge any article whatever; neither shall he suffer said licensed building to become frequented by any common drunkard, or person addicted to the intemperate use of ale, wine or strong liquors, or by any person who is a disturber of the peace, or who is wasting his property or earnings and means of supporting himself and family, or by any person under lawful age; nor shall he suffer or permit any person to play at any game of chance or skill for ale, wine or strong liquor, money or other valuable consideration, within any of his possessions.

SEC. 6. Every such licensed person violating either of the provisions of the next preceding section, shall be deemed the keeper

of a disorderly house, and shall be fined fifty dollars, one half thereof to the use of the town in which the offence shall have been committed, and the other half to the use of the state.

SEC. 7. In case any such licensed person shall be convicted of keeping a disorderly house, or in case judgment shall be rendered against any such person in a suit on his bond, the town council shall forthwith withdraw and annul his said license; and he shall not be licensed during the two years next following his conviction.

CHAPTER 78.

OF THE SUPPRESSION OF INTEMPERANCE.

SECTION

1. Prohibition of sale of wine, rum and strong liquors, &c.
2. Agents for sale of, when and how appointed.
3. Tenure of agent's office.
4 and 5. Bond of agent.
6. Certificate given to agent.
7. Sales by agents, how regulated.
8. Liquors kept by agents, to be inspected and pure.
9. Penalty on agents for selling impure liquors.
10. Liquors purchased and held by agents, how marked and labelled.
11. Penalty for counterfeiting label of agent.
12. Penalty for fraudulent use of address or label of agent.
13. Effect of breach of bond by agent.
14. Power of agents and others to keep and possess liquors, defined.
15. Keeping of other liquors prohibited.
16. Penalty for selling liquor.
17. Penalty for keeping liquor for sale.
18. Penalty for bringing into state and carrying liquor for sale.
19. Penalty upon expressmen, &c., for receiving for carriage liquor sold, or for sale.
20. Penalty upon agents of railroads for receiving for carriage liquors sold or for sale.
21. Fines under certain sections, how to enure, and complaints for, how barred.
22. Appeal given from sentence of justice.
23. Recognizance to be given on appeal, and how certified.

SECTION

24. Neglect of appellant to give recognizance.
25. Upon appeal witnesses to give recognizance.
26. Penalty upon manufacturer and common seller of ale, wine, liquor, &c.
27. Common seller, defined.
28. Saving of cider, &c., manufactured for domestic use, &c.
29. Penalty upon railroads for transporting liquor for illegal sale.
30. Power of certain officers to seize and detain liquors illegally kept, &c.
31. Of warrant of search for liquors and complaint for same.
32. Of service and return of warrant.
33. Of complaint for search of dwelling-house.
34. Officer seizing to prosecute for forfeiture.
35. Of judgment of forfeiture.
36 and 37. Forfeited liquors to be inspected, and how disposed of.
38. Of amendment of process for forfeiture, and further notice.
39. Recognizance for costs, when to be given by complainant.
40. What allegations sufficient in describing sale or former conviction in action, warrant, information and indictment.
41. Amendment of warrant, indictment, &c.
42. Duty of attorney-general in liquor appeals and his fee taxed in costs.
43. Additional fees of justices and officers in liquor cases.

SECTION
44. Payment for liquors illegally sold, how to be treated.
45. Liability of seller for injuries committed by purchaser intoxicated from sale.
46. Actions for liquors illegally sold or kept, not maintainable.

SECTION 1. No person shall, at any time, manufacture, or sell, or suffer to be manufactured or sold, by any person, except for the purpose of exportation, or keep or suffer to be kept on his premises or possessions, or under his charge, for the purposes of sale, within this state, any ale, wine, rum or other strong or malt liquors, or any mixed liquors, a part of which is ale, wine, rum or other strong or malt liquors, unless as is hereinafter provided.

SEC. 2. The town council of any town may, and the mayor and aldermen of any city shall, annually, on the Monday next following the annual election of town officers in any town, or as soon thereafter as may be convenient, appoint some suitable person or persons as the agent or agents of said town, to sell at some central or convenient place or places within said town, ale, wine, rum or other strong or malt liquors, to be used for sacramental, medicinal, mechanical, chemical, and culinary purposes only.

SEC. 3. Every agent shall be appointed for one year, but may be removed at the pleasure of the board appointing him, who shall, in case of vacancy from any cause, appoint another in his place for the remainder of the year.

SEC. 4. He shall, before entering upon the duties of his appointment, give bond in the sum of six hundred dollars, with good and sufficient sureties to the town or city in which he is appointed, to be delivered to the board appointing him.

SEC. 5. Such bond shall be in substance as follows: — Know all men, that we as principal, and as sureties, are holden and stand firmly bound to the town of (or city of) (as the case may be,) in the sum of six hundred dollars, to be paid said town: to which payment we bind ourselves, our heirs, executors and administrators, firmly by these presents. Sealed with our seals, and dated this day of A. D. The condition of this obligation is such, that whereas the above bounden has been duly appointed an agent for the town (or city) of to sell within and for and on account of said town (or city,) ale, wine, rum or other strong or malt liquors, for sacramental, medicinal, mechanical, chemical and culinary purposes only, until the day of A. D. , unless sooner removed from said agency. Now if the said shall in all respects, conform to the provisions of the law, relating to the business for which he is appointed, and to such rules and regulations, as now are, or shall be, from time to time, established by the board making the appointment, then this obligation shall be void, otherwise it shall remain in full force.

SEC. 6. Upon the execution and delivery of the bond aforesaid, every such agent shall receive a certificate from the board by whom he has been appointed, authorizing him, as the agent of such town, to sell ale, wine, rum or other strong or malt liquors, for

sacramental, medicinal, mechanical, chemical and culinary purposes, which shall be *primâ facie* evidence of the appointment of such agent, and shall be produced by him upon all trials in which, by virtue of such appointment, exemption is claimed from the penalties of this chapter.

SEC. 7. The place within which, and the rules and regulations under which, such agent shall keep and sell, and the terms and conditions upon which, he shall purchase and sell, the liquors mentioned in the first section of this chapter, shall be prescribed by the board appointing him, at the time of his appointment; but may be, from time to time, changed by them at pleasure, they conforming therein to law.

SEC. 8. No impure, drugged, or adulterated liquors shall be kept for sale by such agent; and the liquors purchased and kept for sale by him shall, at all times, be open to inspection by suitable persons, to be appointed by the town council or board of aldermen for that purpose.

SEC. 9. If any such agent shall keep for sale any impure, drugged or adulterated liquors, he shall be fined twenty dollars, and such liquors shall be forfeited and destroyed.

SEC. 10. All liquors mentioned in the first section of this chapter, purchased by any such agent, shall be plainly marked with his address; and all vessels containing any such liquor sold by him shall be labelled or ticketed; the label or ticket specifying where, and by whom, and the authority by which such liquor was sold, and the kind and quantity thereof.

SEC. 11. Such label or ticket shall bear the signature of the agent; and any counterfeiting of the same or of the signature of the agent shall be punishable as forgery.

SEC. 12. If any person shall fraudulently use the address of any such agent on any cask or vessel containing spirituous or intoxicating liquors which were not purchased by such agent, or shall knowingly use the vessels labelled or ticketed by any such agent, for the purpose of holding liquors not purchased of any agent authorized to sell the same, such person shall for every such offence be fined not exceeding one thousand dollars or be imprisoned not exceeding six months, and the liquor so falsely marked, labelled or ticketed shall be forfeited to the state.

SEC. 13. The town council of any town, whenever complaint shall be made to them in writing, that a breach of the conditions of the bond given by any agent appointed by them has been committed, shall notify the person complained of, and if upon a hearing of the parties, it shall appear that any breach thereof has been committed, they shall revoke and make void his appointment; and the town treasurer shall, at the expense and for the use of said town, cause the bond to be put in suit, unless otherwise directed by the town council.

SEC. 14. It shall be lawful for any persons appointed such agents of any town, to own, keep and possess for sale and to sell in the places designated by the town councils or boards of aldermen, the liquors or any of them, mentioned in the first section of this chap-

ter, and for such agents, and for carriers and other persons to receive and transport such liquors to the places so designated and defined, and also from such places to places where the same are to be used for the purpose for which the same may be sold by law; and for all persons to hold, own and keep upon their premises, such liquors purchased of such agents, in vessels bearing the label or ticket of such agents as aforesaid, and to own, possess, keep, and sell spirituous or intoxicating liquors of foreign production, imported under the laws of the United States and contained in the original packages in which such liquors were imported, and in quantities not less than the laws of the United States prescribe; and for any manufacturer or distiller of liquors of all kinds, to hold, own, and keep and sell the same for exportation.

SEC. 15. All other liquor of the kinds mentioned in the first section of this chapter, is forbidden to be kept or deposited by any person in this state for sale, and shall be forfeited to the state and sold or destroyed, as is hereinafter and by law provided.

SEC. 16. If any person shall, at any time, sell, or suffer to be sold by any person, any ale, wine, rum or other strong or malt liquors, or any mixed liquors, as aforesaid, in violation of the preceding sections of this chapter or any of them, he shall be sentenced on the first conviction, to pay the sum of twenty dollars and all costs of prosecution and conviction, and to be imprisoned in the county jail for ten days; on the second conviction he shall be sentenced to pay the sum of twenty dollars and all costs of prosecution and conviction, and be imprisoned in the county jail three calendar months; and on the third and every subsequent conviction he shall be sentenced to pay the sum of twenty dollars and all costs of prosecution and conviction, and be imprisoned in the county jail not less than three nor more than six calendar months.

SEC. 17. If any person shall keep or suffer to be kept on his premises or possessions, or under his charge, for the purposes of sale, in violation of the preceding sections of this chapter or any of them, any ale, wine, rum or other strong or malt liquors, or any mixed liquors as aforesaid, he shall, on conviction, be fined twenty dollars, or be imprisoned in the county jail thirty days.

SEC. 18. Every person who shall bring into this state, or who shall convey from place to place within the same, any such liquor, with intent to sell the same himself, or to have the same sold by another, or having reasonable cause to believe that the same is intended to be sold by any other person, in violation of the provisions of this chapter, shall be fined twenty dollars.

SEC. 19. Every expressman, common carrier, or other person, who shall, for the purpose of carrying to any other person, receive any such liquor which has been sold, or is intended for sale, in violation of this chapter, he having reasonable cause to believe that the same has been, or is intended to be so sold, shall be fined twenty dollars, and may be prosecuted therefor in the town where such liquor may have been received, or in any town through or into which it may have been carried.

SEC. 20. Any person having authority from any railroad company to receive goods to be transported by such company, who shall receive any spirituous or intoxicating liquor which has been sold or is intended for sale in violation of this chapter, for the purpose of having the same transported on such railroad, and having reasonable cause to believe that the same has been so sold or is so intended for sale, shall be fined twenty dollars.

SEC. 21. All fines recovered under the ninth, sixteenth, seventeenth, eighteenth, nineteenth and twentieth sections of this chapter, shall enure, one half to the use of the state and the other half to the complainant, and in all such complaints, judgment rendered upon a subsequent complaint, for the same offence shall be no bar, or prevent judgment upon the merits being rendered on any prior complaint, and the pendency of the former complaint may be pleaded in bar of the second complaint.

SEC. 22. Any person convicted before a justice of the peace, or a court exercising the jurisdiction of a justice of the peace, of any offence under the sections just mentioned, may appeal from the sentence of the justice or court to the court of common pleas, next to be holden in the same county, after ten days: *Provided*, such appeal be prayed at the time of passing sentence.

SEC. 23. Upon such prayer of appeal the appellant shall be required to give recognizance, in the sum of one hundred dollars, with good and sufficient sureties, in every case so appealed, with condition that he will file his reasons of appeal, together with a copy of the whole case in the court appealed to, on or before the second day of the term thereof, that he will appear before said court, and there prosecute his appeal with effect, and abide or perform the order or sentence of said court in said case, and that he will not during the pendency of such appeal violate any of the provisions of this chapter; which recognizance such justice or court shall forthwith certify to said court of common pleas, and such appellant shall also be required at the time of taking such appeal to pay to the justice or court all costs of his prosecution and conviction, to be taxed by such justice or court, including therein three dollars as the complainant's counsel fee, which fee it shall be the duty of such justice or court to pay over to the complainant upon final conviction of the defendant, or in case of his acquittal in the appellate court, to return to the person acquitted.

SEC. 24. Upon neglect of the appellant, to give such recognizance, or when required as aforesaid to pay costs, he shall forthwith be committed to the jail in the same county, there to remain until he give such recognizance, and pay such costs, or be discharged by order of law.

SEC. 25. In case of such appeal, the justice or court below shall, upon motion either of the complainant or defendant, require any witness sworn, to enter into recognizance in the sum of fifty dollars, with condition, that he will appear at the appellate court, to testify in the trial of the appeal, whenever said appeal shall be called for trial.

SEC. 26. Every person who shall, contrary to the provisions of

this chapter, manufacture any ale, wine, rum, or other strong or malt or mixed liquors, or become a common seller thereof, shall, upon his first conviction, be fined one hundred dollars and costs of prosecution, and in default of the payment thereof, be imprisoned sixty days in the jail of the county in which the offence was committed: and on the second and on every subsequent conviction, shall be fined two hundred dollars and costs of prosecution and conviction, and shall be imprisoned four months in said county jail: said fines when recovered to enure, one half to the use of the town in which the offence shall have been committed, and the other half to the use of the state.

SEC. 27. Three several sales of ale, wine, rum or other strong or malt liquors, or mixed liquors as aforesaid, made or suffered to be made by an individual either to different persons or to the same person, shall be sufficient to constitute such individual a common seller within the meaning of the next preceding section; and an indictment charging a person as a common seller shall be held to be fully sustained by proof that he has been twice convicted of a violation of the sixteenth section of this chapter, and proof that he has again violated it within six months next succeeding his last conviction.

SEC. 28. Nothing hereinbefore contained, shall be construed to prohibit the manufacture of cider, or the sale thereof in quantities not less than one gallon, or the manufacture of wine or malt liquors for domestic use, or of alcohol for exportation and sale out of the state, or to be sold to or through, and only to or through the agents of towns or cities, appointed conformably to the provisions of this chapter.

SEC. 29. Any railroad company, which shall allow liquors which have been, or are intended to be sold within this state, contrary to law, to be transported over any portion of its road, shall be fined fifty dollars; the indictment to be found, tried and proceeded with, either in the county in which such liquors may have been received, or into which they may have been carried by such company.

SEC. 30. Any mayor, alderman, city marshal, or assistant marshal, police officer, constable, town sergeant, or watchman, in his city or town, and any sheriff, or deputy sheriff, in his county, may, without a warrant, seize and detain any spirituous or intoxicating liquors and the vessels containing the same, other than those described in the fourteenth and twenty-eighth sections of this chapter and within the protection of these sections, which he may find in any steamboat, vessel, or other craft, or in any vehicle of any kind, or in any open place, or any tent, shanty, hut, or place of any kind for selling refreshments in any public place on or near the ground of any cattle show, agricultural exhibition, military muster, or public occasion of any kind; and to convey the said liquors and the vessels containing the same to some proper place of security, and there to keep the same, until said liquors can be proceeded against as hereinafter provided.

SEC. 31. If any three persons, being legal voters in any town, shall, before any justice of the peace within said town, or court

SEC. 41. Any defects in any such complaint and warrant, indictment, information or other proceeding, either of form or substance, may be amended either by the justice, or court exercising the jurisdiction of a justice, or other court, before whom the action, complaint and warrant, indictment, information or other proceeding is originally brought, may be pending.

SEC. 42. All cases of appeal, under the provisions of this chapter, from the judgment or sentence of a justice of the peace, or court exercising the jurisdiction of a justice of the peace, and all informations and questions arising under the same, or under any complaint and warrant filed or made under the provisions of this chapter, shall, in the court of common pleas or in the supreme court, be conducted and argued by the attorney-general, in behalf of the state; and in every such case in said courts, in which the appellant, or defendant or person answering any information or complaint, shall be required to pay costs, the sum of six dollars shall be taxed in the bill of costs for the services of the attorney-general; for which sum, the clerk of said court, or other officer to whom such costs may be paid, shall account; and no costs in any such case shall be remitted or reduced.

SEC. 43. In addition to the fees now allowed by law, the justice of the peace or court exercising the jurisdiction of a justice of the peace, shall be entitled to receive for taking any bond under the provisions of this chapter, the sum of fifty cents; any officer required thereby to complain or inform against any liquors seized under the same, shall be entitled to be allowed three dollars for so complaining or informing; and no entry in the court of common pleas shall be charged or paid on any such information; the officer serving the warrant or process of seizure of any liquors shall be allowed for the same, one dollar; and for removing of any liquors so seized, to a place of safety, all expenses by him incurred in the removal, care and custody of said liquors, and the sum of one dollar: said fees shall be included in the bill of costs and taxed against the defendant.

SEC. 44. All payments or compensations for liquors sold in violation of law, whether in money, labor or personal property, shall be held and considered, as between the parties to such sale, to have been received in violation of law, without consideration, and against equity and good conscience: and in any action either at law or equity touching such money, labor or personal estate, the purchaser and also the seller of such liquors may be a witness for either party, and although a party to such action.

SEC. 45. If any person not authorized under this chapter, shall sell any ale, wine, rum or other strong or malt liquors, or mixed liquors as aforesaid to any person, he shall be liable for all injuries which such person may commit while in a state of intoxication arising from drinking the liquors sold as aforesaid, in an action on the case in favor of the person injured.

SEC. 46. No action of any kind shall be had or maintained in any court of this state, for the possession or value of any liquors held, purchased or sold, contrary to the provisions of this chapter.

CHAPTER 79.

OF SHOWS AND EXHIBITIONS.

SECTION
1. No shows exhibited without license.
2. Town councils may license such exhibitions.
3. Licenses for shows in house, room or hall may be granted for one year.
4. Constables appointed to attend such exhibitions.
5. Penalty for permitting such exhibitions without license.
6. Persons licensed, what sum to pay for license.
7. Money received for licenses, how to be paid.

SECTION 1. No person shall for pay exhibit any theatrical performance, or rope or wire dancing, or other show or performance, without a license from the town council of the town in which such exhibition may be given, unless such exhibition shall be given in a hall licensed as hereinafter provided.

SEC. 2. The town council of the town where any such exhibition shall be desired to be given, may license such exhibition, and subject the same, in such license, to such regulations and restrictions, as such town council may prescribe.

SEC. 3. Said town council may grant a license, for a term not exceeding one year, under such restrictions and regulations as they shall think proper, to the owner of any house, room, or hall in the town, for the purpose of permitting exhibitions therein, which license shall be revocable at the pleasure of said town council.

SEC. 4. Said town council may appoint constables or other proper officers at the expense of such person, or owner of such hall as aforesaid, to attend any such exhibition, whose duty it shall be to preserve order, and to execute the orders of said council.

SEC. 5. Any person who shall permit any such exhibition, in any house, room, or hall, to him belonging, or under his control, without a license being first had for such exhibition or house, room or hall, as herein provided, shall forfeit fifty dollars for each offence; and every person acting or performing in any such exhibition, without such license therefor, or for said house, room or hall, as aforesaid, being first had, shall forfeit two hundred dollars.

SEC. 6. Said town council shall demand and receive of every person to whom a license shall be granted under the provisions of the first section of this chapter, a sum not exceeding one hundred dollars nor less than one dollar; and, of the owner of any house, room or hall, licensed as aforesaid, such sum as such council shall deem proper.

SEC. 7. All sums received for licenses, as aforesaid, shall be paid, one half thereof to the town treasurer for the use of the town, and the other half thereof to the general treasurer for the use of the state.

SEC. 41. Any defects in any such complaint and warrant, indictment, information or other proceeding, either of form or substance, may be amended either by the justice, or court exercising the jurisdiction of a justice, or other court, before whom the action, complaint and warrant, indictment, information or other proceeding is originally brought, may be pending.

SEC. 42. All cases of appeal, under the provisions of this chapter, from the judgment or sentence of a justice of the peace, or court exercising the jurisdiction of a justice of the peace, and all informations and questions arising under the same, or under any complaint and warrant filed or made under the provisions of this chapter, shall, in the court of common pleas or in the supreme court, be conducted and argued by the attorney-general, in behalf of the state; and in every such case in said courts, in which the appellant, or defendant or person answering any information or complaint, shall be required to pay costs, the sum of six dollars shall be taxed in the bill of costs for the services of the attorney-general; for which sum, the clerk of said court, or other officer to whom such costs may be paid, shall account; and no costs in any such case shall be remitted or reduced.

SEC. 43. In addition to the fees now allowed by law, the justice of the peace or court exercising the jurisdiction of a justice of the peace, shall be entitled to receive for taking any bond under the provisions of this chapter, the sum of fifty cents; any officer required thereby to complain or inform against any liquors seized under the same, shall be entitled to be allowed three dollars for so complaining or informing; and no entry in the court of common pleas shall be charged or paid on any such information; the officer serving the warrant or process of seizure of any liquors shall be allowed for the same, one dollar; and for removing of any liquors so seized, to a place of safety, all expenses by him incurred in the removal, care and custody of said liquors, and the sum of one dollar: said fees shall be included in the bill of costs and taxed against the defendant.

SEC. 44. All payments or compensations for liquors sold in violation of law, whether in money, labor or personal property, shall be held and considered, as between the parties to such sale, to have been received in violation of law, without consideration, and against equity and good conscience: and in any action either at law or equity touching such money, labor or personal estate, the purchaser and also the seller of such liquors may be a witness for either party, and although a party to such action.

SEC. 45. If any person not authorized under this chapter, shall sell any ale, wine, rum or other strong or malt liquors, or mixed liquors as aforesaid to any person, he shall be liable for all injuries which such person may commit while in a state of intoxication arising from drinking the liquors sold as aforesaid, in an action on the case in favor of the person injured.

SEC. 46. No action of any kind shall be had or [illegible] any court of this state, for the possession or [illegible] held, purchased or sold, contrary to the pro[illegible]

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7. Money received for licenses, how to be paid.

SECTION 1. No person shall for pay exhibit any theatrical performance, or rope or wire dancing, or other show or performance, without a license from the town council of the town in which such exhibition may be given, unless such exhibition shall be given in a hall licensed as hereinafter provided.

SEC. 2. The town council of the town where any such exhibition shall be desired to be given, may license such exhibition, and subject the same, in such license, to such regulations and restrictions, as such town council may prescribe.

SEC. 3. Said town council may grant a license, for a term not exceeding one year, under such restrictions and regulations as they shall think proper, to the owner of any house, room, or hall in the town, for the purpose of permitting exhibitions therein, which license shall be revocable at the pleasure of said town council.

SEC. 4. Said town council may appoint constables or other proper officers at the expense of such person, or owner of such hall as aforesaid, to attend any such exhibition, whose duty it shall be to preserve order, and to execute the orders of said council.

SEC. 5. Any person who shall permit any such exhibition, in any house, room, or hall, to him belonging, or under his control, without a license being first had for such exhibition or house, room or hall, as herein provided, shall forfeit fifty dollars for each offence; and every person acting or performing in any such exhibition, without such license therefor, or for said house, room or hall, as aforesaid, being first had, shall forfeit two hundred dollars.

SEC. 6. Said town council shall demand and receive of every person to whom a license shall be granted under the provisions of the first section of this chapter, a sum not exceeding one hundred dollars nor less than one dollar; and, of the owner of any house, room or hall, licensed as aforesaid, such sum as such council shall deem proper.

SEC. 7. All [illegible] as aforesaid, shall be paid, one half [illegible] use of the town, and the [illegible] for the use of the

CHAPTER 80.

OF BOWLING-ALLEYS, BILLIARD TABLES AND SHOOTING GALLERIES.

SECTION
1. Bowling-alleys in compact parts of towns except Providence prohibited under penalty.
2. Pistol or rifle gallery in compact part of Newport prohibited; penalty.
3. Town council to define limits.
4. Penalty for neglect to comply with orders of town councils.
5. Owner of premises deemed keeper of bowling-alley or billiard table.
6. Regulations relating to bowling-alleys in Providence.
7. Town councils to collect tax for keeping bowling-alleys, &c.
8. Tax, of whom to be collected.
9. How collected and appropriated.

SECTION 1. Any person who shall keep any bowling-alley, in the compact part of any town, except the city of Providence, shall be fined two hundred dollars for the first offence, and five hundred dollars for the second offence.

SEC. 2. Any person who shall keep any pistol gallery, rifle gallery, or other building or inclosure where fire-arms are used for practising in firing with ball or shot, in the compact part of the city of Newport, shall be fined two hundred dollars for the first offence, and five hundred dollars for each subsequent offence.

SEC. 3. The town council of each town shall define the limits of the compact part of such town; which limits shall be taken and deemed to comprehend the compact part of such town within the meaning of this chapter.

SEC. 4. The keeper of any bowling-alley or billiard table who shall refuse or neglect to comply with any order or decree relating thereto which any town council shall be authorized to make, shall be fined fifty dollars.

SEC. 5. The owner or occupier of the premises on which any bowling-alley or billiard table is situated, shall be deemed and taken as the keeper of such bowling-alley or billiard table within the meaning of the provisions of this chapter.

SEC. 6. The board of aldermen of the city of Providence may regulate bowling-alleys in said city, and make orders as to the manner of building the same, and the hours during which they may be used; and in case of any such order being disobeyed, they may issue their warrant directed to the city sergeant or to any constable, commanding him to take up and destroy any bowling-alley which may be kept in violation of any such order; and it shall be the duty of any city sergeant or constable to whom any such warrant may be delivered, forthwith to execute the same.

SEC. 7. The town council of each town shall assess, levy and collect a tax, not exceeding two hundred dollars, nor less than twenty-five dollars, per annum, on any person who shall own or keep a billiard table for public use and profit in such town for each billiard table by him kept; and a tax not exceeding twenty-five

dollars, nor less than five dollars, per annum, on any person who shall own or keep a bowling-alley in such town except in the city of Providence, for each bowling-alley by him kept: and a tax not exceeding two hundred dollars per annum on any person who shall own or keep a bowling-alley in said city of Providence for each bowling-alley by him kept, and a tax not exceeding two hundred dollars per annum on any person who shall own or keep a pistol gallery, rifle gallery, or other building or inclosure referred to in the second section hereof.

SEC. 8. The town council may assess, levy and collect the tax aforesaid, for any billiard table or bowling-alley, on any person who shall own or occupy the house or building in which such billiard table or bowling-alley shall be kept.

SEC. 9. Such taxes shall be collected in the manner prescribed for the collection of town taxes, and appropriated, the one half thereof to the use of the town in which such tax shall be collected, and the other half to the use of the state.

CHAPTER 81.

OF FIRE-ARMS AND FIRE-WORKS.

SECTION
1. Firing of rifle, gun, &c., across road, street or lane prohibited.
2. Making bonfire in such places without permission.
3. Person discharging fire-arms on Sunday on land of another to be fined.
4. Penalty for the discharge of fire-arms within certain limits.
5. Selling or using fire-works without license, prohibited.
6. Penalty for discharging fire-arms between sunset and sunrise.
7. Complaints, within what time to be made.

SECTION 1. If any person shall fire any rifle, gun, musket, blunderbuss or pistol, in or across any road, street, square or lane, he shall be fined not less than three dollars nor more than twenty dollars.

SEC. 2. If any person shall make a bonfire in any public street, road, square or lane, without special permission from the town council of the town in which the same shall be made, he shall be fined not exceeding ten dollars.

SEC. 3. If any person shall fire any rifle, musket, fowling-piece, pistol or other small arms, not being under military duty at the time, within the limits of any town in the state on the first day of the week, except upon land owned or occupied by him, or by permission of the owner or occupant of the land on and into which he may shoot, he shall be fined not exceeding ten dollars, or be imprisoned not exceeding ten days.

SEC. 4. If any person shall fire any rifle, musket, fowling-piece,

pistol or other small arms, not being at the time under military duty, on any other day of the week than Sunday, except upon land owned or occupied by him, or by permission of the owner or occupant of the land on or into which he may shoot, within the following limits, viz.: the city of Providence, excepting the public waters and the public rivers therein; such parts of the towns of Cranston and Johnston as are contained within the following limits, to wit: beginning on the Pawtuxet road, at the Providence line; thence running southerly on said Pawtuxet road until it comes to the cross road leading to the Cranston road; thence northerly and westerly with said cross road and Cranston road until it comes to the road which leads over Rockyhill to Johnston meeting-house; thence northerly with said last-mentioned road until it meets the Johnston road near Johnston meeting-house; thence easterly with said Johnston road until it comes to the line of Providence, to the place of beginning; or on land within one mile from the state house in the town of Bristol; and the whole town of North Providence; he shall be fined five dollars for the first offence, and ten dollars for every subsequent offence.

SEC. 5. If any person shall sell, offer for sale, enkindle or use, or suffer to be sold, offered for sale, enkindled or used by his wife, children or servants or other persons whomsoever, any rocket, cracker, squib or other fire-works of a combustible nature ordinarily used for exhibition or amusement, unless he shall previously obtain special license from the town council of the town, and for the purpose of exhibition on a suitable occasion, he shall be fined ten dollars for each offence.

SEC. 6. If any person shall fire any gun, rifle, musket or blunderbuss in any road, street, lane or tavern, or other public house, after sun-setting and before sun-rising, he shall be fined five dollars for the first offence, and seven dollars for every subsequent offence.

SEC. 7. No complaint for a violation of any of the provisions of this chapter shall be sustained unless the same shall be brought within thirty days after the commission of the offence, and all fines for such violations shall enure one half thereof to the complainant and the other half to the state.

CHAPTER 82.

OF DOGS.

SECTION		SECTION	
1.	Town councils may make ordinances concerning dogs.		to prevent damage to sheep and cattle.
2.	Town councils may impose a tax on the owners of dogs; and make laws	3.	Owners of dogs liable for damage done to sheep and cattle.

SECTION 1. The city councils of any cities, and the town councils of any towns may make such ordinances concerning dogs in

their respective cities and towns as they shall deem expedient; to be enforced by the destruction of the animal, or by pecuniary penalties not exceeding five dollars, to be recovered by action of debt, or by complaint and warrant, to such use as such city council or town council may prescribe.

SEC. 2. The town council of any town may impose such yearly tax upon every person in their town who shall own or keep any dog, for every dog owned or kept, as they shall judge proper; and also make such laws to prevent damage being done to flocks of sheep and cattle as they may deem necessary.

SEC. 3. When any person shall have any sheep or cattle worried, torn or killed by any dog, he shall recover his damages against the owner of such dog, in an action on the case, with costs of suit; and if afterwards any damage be done by such dog to any sheep or cattle, the owner of such dog shall pay to the party aggrieved, double the damages; to be recovered in manner as aforesaid; and an order shall be made by the court before whom such second recovery shall be had, for killing such dog, and the same shall be done accordingly by the officer who shall be charged therewith.

CHAPTER 83.

OF BIRDS.

SECTION
1. Certain birds not to be killed or sold except at certain seasons.
2. Swallow or box martin not to be killed between first of May and first of December.
3. Penalty for shooting birds on land of other persons.
4. Penalties, how to enure; action when to be commenced.

SECTION 1. Any person who shall take, kill or destroy any lark, robin, wood duck, grey duck or black duck, between the first day of February and the first day of September, or shall kill or expose for sale, any quail, partridge or woodcock, between the first day of January and the twentieth day of September; or any snipe between the first day of May and the twentieth day of September; or shall take, kill or destroy any grass plover, between the first day of February and the first day of August; or shall take, kill, or destroy any grouse, or heath-hen, between the first day of January and the first day of November; or shall, within the respective times aforesaid, sell, buy or have in his possession, any of the said birds, taken or killed as aforesaid, shall forfeit, for each such bird, two dollars.

SEC. 2. Any person who shall take, kill or destroy any swallow or box martin, between the first day of May and the first day of October, shall forfeit for every such bird two dollars.

SEC. 3. Any person who shall, between the first day of February

and the first day of September, shoot at or kill any bird, upon land not owned or occupied by himself, and without permission from the owner or occupant thereof, shall forfeit and pay to the owner or occupant thereof five dollars for the first offence, and ten dollars for every subsequent offence, in addition to the damage sustained.

SEC. 4. All forfeitures recovered by virtue of the first, or second sections hereof, shall enure to the complainant, and all actions for the recovery of the same, shall be commenced within three months from the commission of the offence, and not afterwards.

CHAPTER 84.

OF STAKES AND BUOYS.

SECTION
1. No vessel, boat or raft to be made fast to any stake or buoy in Providence river, Narragansett bay, or Warren river.
2. Action for such offence, when and where to be brought.
3. No vessel, &c., to be made fast to certain stakes, &c.; penalty, where and to whose use recovered.
4. Penalty for negligently running against or injuring beacons, buoys or stakes south of Kinnimicut point.

SECTION 1. Each and every owner and each and every person having the charge of any vessel, scow, boat or raft of any kind, which shall be made fast to any stake or buoy which has been or shall be placed, at the expense of the United States, for the security and direction of vessels, either in Providence river or in any part of Narragansett bay, or the waters thereof north of Kinnimicut point, or in Warren river, and each and every person who shall in any way injure or destroy any of the said stakes and buoys placed as aforesaid, shall forfeit not exceeding ten dollars, nor less than three dollars; two thirds thereof to the use of the United States, in order to replace such stake or buoy, and the other third to the person who shall sue for the same.

SEC. 2. For any offence aforesaid committed in Providence river or in any part of Narragansett bay or the waters thereof north of Kinnimicut point, the action may be brought in the county of Providence or Kent, and the part of the forfeiture belonging to the United States as aforesaid for such offence, shall be paid to the collector of the district of Providence; and for any offence aforesaid committed in Warren river, the action may be brought in the county of Bristol, and the part of the forfeiture belonging to the United States as aforesaid for such offence shall be paid to the collector of the district of Bristol; and all forfeitures that may accrue under the section next preceding shall be sued for within six months after they shall accrue.

SEC. 3. Every person who shall make fast any ship, vessel,

scow, boat or raft of any kind to the buoy on the shoal south of Kinnimicut point, or to the stakes on said point, or to the flag-staff on the half-way rock or to any stake which has been or may be placed at the mouth of Bristol harbor, or to any of the moorings of said buoys, and the master or owner of such ship, vessel, scow, boat or raft, shall forfeit not exceeding twenty dollars, nor less than five dollars; to be recovered in the county of Kent, Bristol or Providence; one third thereof to the use of the person who shall sue for the same, and the other two thirds to be paid to the collector of the customs within whose district the offence shall be committed, for the use of the United States.

SEC. 4. The captain, owner or owners of every ship or vessel that shall, by running against or otherwise, injure the beacon on Castle Island at the entrance of Bristol harbor, or any buoy placed or hereafter to be placed, at the expense of the United States, in any of the waters of the Narragansett bay south of Kinnimicut point, or the stakes on said point, or in any way injure, destroy or remove the chains or anchors by which they are or shall be moored, shall forfeit not exceeding thirty six dollars, nor less than twelve dollars; provided the same is done intentionally or negligently, to be recovered in the county of Kent or Newport; and to be distributed, paid and appropriated in the manner herein before pointed out.

CHAPTER 85.

OF PILOTS AND PILOTAGE IN PAWTUCKET RIVER.

SECTION
1. Commissioner of pilots for Pawtucket river, how appointed.
2. Commissioner may grant branches or commissions for pilots.
3. May suspend pilots, or revoke their commissions for neglect of duty.
4. Stakes or buoys to be placed on said river at expense of such pilots.
5. Penalty for injuring or removing such stakes or buoys.
6. Rates of pilotage.
7. Vessel liable for pilotage in case master refuses services of pilot.

SECTION 1. The governor may appoint some suitable person to execute the office of commissioner of pilots for the waters of this state known as the Pawtucket river, who shall hold his office for the term of one year from the day of his appointment, and until some one is appointed in his stead, or until he is otherwise removed.

SEC. 2. The said commissioner shall in his discretion grant branches or commissions for pilots on said river, to such persons as shall sustain a satisfactory examination, and shall produce evidence of good moral character, and shall understand the waters of said river, as well as how to work in a seamanlike manner any kind of vessel commonly used in navigating said river.

exercising the jurisdiction of a justice of the peace within the town or district in which such court is established, make complaint in writing under oath or affirmation, that any spirituous or intoxicating liquor other than such as is described in the fourteenth and twenty-eighth sections of this chapter, and within the protection of those sections, is kept or deposited in any place in said town or district, or in any vessel or craft in any of the waters of Narragansett Bay, such justice or court may issue a search warrant for the purpose of searching for such spirituous and intoxicating liquors.

SEC. 32. Such search warrant shall be served in the daytime only, and shall describe as nearly as may be, the place to be searched, and the liquors, and vessels containing the same, to be seized; and all such liquors, together with the cask, or other vessels in which the same are contained, and which shall be found by any officer in executing any such search warrant, shall be taken and kept by such officer in some proper place of security until they can be proceeded against in manner hereinafter provided; and the warrant shall be returned by said officer, with his doings thereon, as soon as may be, to the justice or court that issued the same, or to some other justice or court having like jurisdiction in the town or district where such liquors shall have been seized.

SEC. 33. If the place to be searched be a dwelling-house, used and occupied exclusively as such, and no tavern, store or grocery, eating-room or place of common resort be kept therein, such warrant shall not be issued, unless one of said complainants shall make oath or affirmation that he has reason to believe and does believe, that spirituous or intoxicating liquor has been sold in such dwelling-house, or taken therefrom for the purpose of being sold, by the occupant thereof, or by his consent and allowance, contrary to law, within one month next before making such complaint, and is then kept therein for sale contrary to law; and shall, under oath or affirmation, state the facts and circumstances on which such belief is founded; and such allegation shall be recited in the complaint and warrant.

SEC. 34. The officer making the seizure of such liquors, whether with or without a search warrant, as aforesaid, or the officer, directing such seizure, shall forthwith proceed to prosecute for the forfeiture thereof to the state, in the manner by law provided in case of other forfeitures of personal property.

SEC. 35. If the cause of forfeiture be proved, the court or justice before whom the complaint or information shall be tried, shall enter up judgment that the said liquors, and the casks or other vessels containing the same, are forfeited to the state, which judgment shall be the judgment from which any appeal must be taken.

SEC. 36. Upon entry of judgment of forfeiture against such liquors, if no appeal can be had or be prayed, the court or justice shall forthwith appoint some suitable person or persons to inspect said liquors, who shall make such inspection as soon as may be,

and report to the court the condition and quality of such liquors, and whether any portion thereof, and what portions, are fit to be sold for any lawful use.

SEC. 37. Upon such report, the court or justice shall issue to the officer having such forfeited liquors in custody, or to some other proper officer, an order in writing, directing him to deliver such portion of said liquors as may be fit to be sold for any lawful use, to some agent duly appointed for the sale of spirituous or intoxicating liquors in some town or city within the county; and such agent shall receive said liquors and vessels, and shall sell the same in the course of his agency, and account for the net proceeds thereof to the state auditor and pay the same into the general treasury: and said court or justice shall also issue an order in writing, to such officer, commanding him to destroy forthwith such portions of said liquors as shall not be fit to be sold for any lawful use; and every such officer shall execute said orders, and shall return the same with his doings thereon indorsed, to said court or justice, within such time as said court or justice shall direct.

SEC. 38. Whenever in such proceedings for forfeiture it shall appear to the court or justice that there has been any irregularity in the service of any process issuing upon the complaint or information, or any omission to publish the notices required or any defect or omission in the complaint or information, or in the citation or notice, or in the service thereof, or in any other part of the record, the court or justice may permit the same to be amended, and direct such further service of process or publication of notice, as will, in the judgment of such court or justice, be most effectual.

SEC. 39. No officer of the law complaining on account of the violation of any of the provisions of this chapter, and no person so complaining, who, at the time of making his complaint, shall waive in favor of the state his proportion of any fine to which he may be entitled under the same, shall be required, at the time of complaint, to enter into recognizance, or in any way to become liable for the costs that may accrue thereon. In other cases of complaints under this chapter, where the complainant is entitled to the whole or any portion of the fine, he shall, upon making his complaint, enter into the usual recognizance for costs.

SEC. 40. In any action, complaint and warrant, information, indictment or other proceeding, against any person for a violation of any of the provisions of this chapter, it shall not be necessary to set forth the kind or quantity of ale, wine, rum, or other strong or malt liquors, or mixed liquors, as aforesaid, or the time of the sale or manufacture thereof; but proof of the violation of any of the provisions of this chapter, the substance of which is briefly set forth therein, within the times mentioned therein, by the person complained of, shall be sufficient to convict such person; nor shall it be requisite in any such action, complaint and warrant, indictment or other proceeding, to set forth a record of a former conviction, or any allegation of any such conviction, but any such conviction may be proved in the same manner, and with the same effect, as if an allegation thereof had been made.

SEC. 41. Any defects in any such complaint and warrant, indictment, information or other proceeding, either of form or substance, may be amended either by the justice, or court exercising the jurisdiction of a justice, or other court, before whom the action, complaint and warrant, indictment, information or other proceeding is originally brought, may be pending.

SEC. 42. All cases of appeal, under the provisions of this chapter, from the judgment or sentence of a justice of the peace, or court exercising the jurisdiction of a justice of the peace, and all informations and questions arising under the same, or under any complaint and warrant filed or made under the provisions of this chapter, shall, in the court of common pleas or in the supreme court, be conducted and argued by the attorney-general, in behalf of the state; and in every such case in said courts, in which the appellant, or defendant or person answering any information or complaint, shall be required to pay costs, the sum of six dollars shall be taxed in the bill of costs for the services of the attorney-general; for which sum, the clerk of said court, or other officer to whom such costs may be paid, shall account; and no costs in any such case shall be remitted or reduced.

SEC. 43. In addition to the fees now allowed by law, the justice of the peace or court exercising the jurisdiction of a justice of the peace, shall be entitled to receive for taking any bond under the provisions of this chapter, the sum of fifty cents; any officer required thereby to complain or inform against any liquors seized under the same, shall be entitled to be allowed three dollars for so complaining or informing; and no entry in the court of common pleas shall be charged or paid on any such information; the officer serving the warrant or process of seizure of any liquors shall be allowed for the same, one dollar; and for removing of any liquors so seized, to a place of safety, all expenses by him incurred in the removal, care and custody of said liquors, and the sum of one dollar: said fees shall be included in the bill of costs and taxed against the defendant.

SEC. 44. All payments or compensations for liquors sold in violation of law, whether in money, labor or personal property, shall be held and considered, as between the parties to such sale, to have been received in violation of law, without consideration, and against equity and good conscience: and in any action either at law or equity touching such money, labor or personal estate, the purchaser and also the seller of such liquors may be a witness for either party, and although a party to such action.

SEC. 45. If any person not authorized under this chapter, shall sell any ale, wine, rum or other strong or malt liquors, or mixed liquors as aforesaid to any person, he shall be liable for all injuries which such person may commit while in a state of intoxication arising from drinking the liquors sold as aforesaid, in an action on the case in favor of the person injured.

SEC. 46. No action of any kind shall be had or maintained in any court of this state, for the possession or value of any liquors held, purchased or sold, contrary to the provisions of this chapter.

CHAPTER 79.

OF SHOWS AND EXHIBITIONS.

SECTION
1. No shows exhibited without license.
2. Town councils may license such exhibitions.
3. Licenses for shows in house, room or hall may be granted for one year.
4. Constables appointed to attend such exhibitions.
5. Penalty for permitting such exhibitions without license.
6. Persons licensed, what sum to pay for license.
7. Money received for licenses, how to be paid.

SECTION 1. No person shall for pay exhibit any theatrical performance, or rope or wire dancing, or other show or performance, without a license from the town council of the town in which such exhibition may be given, unless such exhibition shall be given in a hall licensed as hereinafter provided.

SEC. 2. The town council of the town where any such exhibition shall be desired to be given, may license such exhibition, and subject the same, in such license, to such regulations and restrictions, as such town council may prescribe.

SEC. 3. Said town council may grant a license, for a term not exceeding one year, under such restrictions and regulations as they shall think proper, to the owner of any house, room, or hall in the town, for the purpose of permitting exhibitions therein, which license shall be revocable at the pleasure of said town council.

SEC. 4. Said town council may appoint constables or other proper officers at the expense of such person, or owner of such hall as aforesaid, to attend any such exhibition, whose duty it shall be to preserve order, and to execute the orders of said council.

SEC. 5. Any person who shall permit any such exhibition, in any house, room, or hall, to him belonging, or under his control, without a license being first had for such exhibition or house, room or hall, as herein provided, shall forfeit fifty dollars for each offence; and every person acting or performing in any such exhibition, without such license therefor, or for said house, room or hall, as aforesaid, being first had, shall forfeit two hundred dollars.

SEC. 6. Said town council shall demand and receive of every person to whom a license shall be granted under the provisions of the first section of this chapter, a sum not exceeding one hundred dollars nor less than one dollar; and, of the owner of any house, room or hall, licensed as aforesaid, such sum as such council shall deem proper.

SEC. 7. All sums received for licenses, as aforesaid, shall be paid, one half thereof to the town treasurer for the use of the town, and the other half thereof to the general treasurer for the use of the state.

CHAPTER 80.

OF BOWLING-ALLEYS, BILLIARD TABLES AND SHOOTING GALLERIES.

SECTION
1. Bowling-alleys in compact parts of towns except Providence prohibited under penalty.
2. Pistol or rifle gallery in compact part of Newport prohibited; penalty.
3. Town council to define limits.
4. Penalty for neglect to comply with orders of town councils.
5. Owner of premises deemed keeper of bowling-alley or billiard table.
6. Regulations relating to bowling-alleys in Providence.
7. Town councils to collect tax for keeping bowling-alleys, &c.
8. Tax, of whom to be collected.
9. How collected and appropriated.

SECTION 1. Any person who shall keep any bowling-alley, in the compact part of any town, except the city of Providence, shall be fined two hundred dollars for the first offence, and five hundred dollars for the second offence.

SEC. 2. Any person who shall keep any pistol gallery, rifle gallery, or other building or inclosure where fire-arms are used for practising in firing with ball or shot, in the compact part of the city of Newport, shall be fined two hundred dollars for the first offence, and five hundred dollars for each subsequent offence.

SEC. 3. The town council of each town shall define the limits of the compact part of such town; which limits shall be taken and deemed to comprehend the compact part of such town within the meaning of this chapter.

SEC. 4. The keeper of any bowling-alley or billiard table who shall refuse or neglect to comply with any order or decree relating thereto which any town council shall be authorized to make, shall be fined fifty dollars.

SEC. 5. The owner or occupier of the premises on which any bowling-alley or billiard table is situated, shall be deemed and taken as the keeper of such bowling-alley or billiard table within the meaning of the provisions of this chapter.

SEC. 6. The board of aldermen of the city of Providence may regulate bowling-alleys in said city, and make orders as to the manner of building the same, and the hours during which they may be used; and in case of any such order being disobeyed, they may issue their warrant directed to the city sergeant or to any constable, commanding him to take up and destroy any bowling-alley which may be kept in violation of any such order; and it shall be the duty of any city sergeant or constable to whom any such warrant may be delivered, forthwith to execute the same.

SEC. 7. The town council of each town shall assess, levy and collect a tax, not exceeding two hundred dollars, nor less than twenty-five dollars, per annum, on any person who shall own or keep a billiard table for public use and profit in such town for each billiard table by him kept; and a tax not exceeding twenty-five

dollars, nor less than five dollars, per annum, on any person who shall own or keep a bowling-alley in such town except in the city of Providence, for each bowling-alley by him kept: and a tax not exceeding two hundred dollars per annum on any person who shall own or keep a bowling-alley in said city of Providence for each bowling-alley by him kept, and a tax not exceeding two hundred dollars per annum on any person who shall own or keep a pistol gallery, rifle gallery, or other building or inclosure referred to in the second section hereof.

SEC. 8. The town council may assess, levy and collect the tax aforesaid, for any billiard table or bowling-alley, on any person who shall own or occupy the house or building in which such billiard table or bowling-alley shall be kept.

SEC. 9. Such taxes shall be collected in the manner prescribed for the collection of town taxes, and appropriated, the one half thereof to the use of the town in which such tax shall be collected, and the other half to the use of the state.

CHAPTER 81.

OF FIRE-ARMS AND FIRE-WORKS.

SECTION
1. Firing of rifle, gun, &c., across road, street or lane prohibited.
2. Making bonfire in such places without permission.
3. Person discharging fire-arms on Sunday on land of another to be fined.
4. Penalty for the discharge of fire-arms within certain limits.
5. Selling or using fire-works without license, prohibited.
6. Penalty for discharging fire-arms between sunset and sunrise.
7. Complaints, within what time to be made.

SECTION 1. If any person shall fire any rifle, gun, musket, blunderbuss or pistol, in or across any road, street, square or lane, he shall be fined not less than three dollars nor more than twenty dollars.

SEC. 2. If any person shall make a bonfire in any public street, road, square or lane, without special permission from the town council of the town in which the same shall be made, he shall be fined not exceeding ten dollars.

SEC. 3. If any person shall fire any rifle, musket, fowling-piece, pistol or other small arms, not being under military duty at the time, within the limits of any town in the state on the first day of the week, except upon land owned or occupied by him, or by permission of the owner or occupant of the land on and into which he may shoot, he shall be fined not exceeding ten dollars, or be imprisoned not exceeding ten days.

SEC. 4. If any person shall fire any rifle, musket, fowling-piece,

consent, the owner of such mill may continue and improve the pond and keep up the dam thereof on his land for his advantage, without molestation.

SEC. 2. Any person aggrieved or injured by the flowing of the pond raised by such dam, or by the stopping or raising of the water either above or below said dam, or by the backing of water under his land, or by the flowing out of any fall of water in his land by means of such dam, may commence an action on the case before the court of common pleas in the county in which such dam is, against the owner of the dam, or any precedent owner thereof; a copy of which writ shall be left by the officer serving the same in the office of the town clerk of the town in which such dam is; and the mill and mill-dam complained of, together with all their appurtenances and the land under and adjoining the same, shall thenceforth be pledged and liable for the damages which may be recovered in such action.

SEC. 3. Whenever it shall be adjudged by said court that the plaintiff in any such action is entitled to damages, the defendant shall have the right to appeal from said judgment to the supreme court, upon the same terms and conditions as appeals are allowed in other cases; and in like manner the plaintiff may appeal whenever said court shall adjudge that he is not entitled to damages: *Provided*, that such appeal be claimed within five days after the rendition of such judgment, or during the same term of said court, if said term shall not continue five days, by filing an appeal bond as in other cases.

SEC. 4. Whenever any plaintiff in any such action shall recover a final judgment for damages against the defendant, whether in the court of common pleas or in the supreme court, the court rendering the same, or any justice of the supreme court, in the vacation of such court rendering said judgment, shall cause to be issued by the clerk of said court a writ of venire to the sheriff of said county or his deputy, to return twelve good and lawful men of the same county to meet at a time and place appointed in such venire, in order to ascertain the amount of such damages.

SEC. 5. At the time and place appointed by such writ, some one justice of the court issuing the same, not interested in the cause, shall attend said jurors; shall engage them to a faithful and impartial discharge of their duty; shall swear all witnesses produced by either party before them; shall decide all questions of law that may arise incidentally in the trial, and may charge the jury upon the law, after the parties have submitted their evidence and arguments to them. If all the persons summoned as jurors do not appear, or are excused, such judge may issue a venire to fill up the panel.

SEC. 6. Such jury shall appraise the damages which the plaintiff shall have sustained by the matters of complaint set forth in his writ and declaration, from the time of his ownership of the premises injured up to the date of the writ, if the defendant has been so long owner of the mill-dam or pond; if not, then from the

time the ownership of the defendant commenced up to the date of the plaintiff's writ, or until the defendant ceased to be owner.

SEC. 7. The jury shall also appraise the damages that the plaintiff ought yearly to receive and recover of the defendant, his heirs and assigns, owners of said dam, from the date of the plaintiff's writ until five years after the dam shall be removed by the defendant, his heirs or assigns.

SEC. 8. The jury shall also appraise what sum would be a just and reasonable compensation to said plaintiff, for all damages done to him by the matters of complaint set forth in his writ, from the date of his writ.

SEC. 9. Said justice shall return to the court issuing the venire, as soon as may be, the verdict rendered and signed by the jury.

SEC. 10. Upon the return and filing of any such verdict, the court to which it is returned shall continue the cause until the next term, before rendering any judgment, accepting the same; and the plaintiff shall, on or before the second day of said term in writing, make his election between the yearly damages and the damages in gross found by the jury.

SEC. 11. The election of the plaintiff shall be entered on the records of the court in said case, and shall be forever binding on the plaintiff and defendant and all claiming under them; and the judgment of the court shall follow the election of the plaintiff.

SEC. 12. If the plaintiff shall neglect to make any election within the time and in the manner herein before prescribed, the court shall enter up judgment in his favor for the yearly damages found by said jury; and the judgment so rendered shall bar all actions for the injuries complained of by the plaintiff, excepting only an action of debt on the judgment or scire facias to enforce the same.

SEC. 13. Any execution that may issue on any judgment for damages rendered as aforesaid, whether for yearly damages or damages in gross, shall run not only against the goods and chattels and body of the defendant and his real estate, as executions on other judgments, but if the defendant was owner of said mill at the date of the writ, also against the mill and mill-dam which was the occasion of said suit, with all the appurtenances thereof; and the form of the execution shall be varied accordingly by the court issuing the same; and such execution may be levied thereon and the same proceedings may be had as on executions in other cases levied on real estate.

SEC. 14. Any sale of said mill or mill-dam and appurtenances thereof made on such execution, shall be valid and effectual against the defendant and against all persons whose titles shall accrue after the service of the writ in said action; but any person entitled to the premises sold may redeem the same at any time within one year after the sale, upon paying to the purchaser or person holding under him, the sum paid therefor, with interest thereon at the rate of twelve per cent. per annum.

SEC. 15. Whenever any plaintiff shall elect to receive the yearly damages awarded him as aforesaid, and the mill owner shall after-

ward remove the matter complained of in the writ, for which said damages were awarded, the plaintiff or his assigns shall recover said damages for five years after said matter shall be removed, and no longer.

SEC. 16. The justice of the court of common pleas or of the supreme court, who shall attend said jury in assessing damages, shall be entitled to compensation for his services and expenses, to be allowed by the court and taxed in the bill of costs.

SEC. 17. If the plaintiff in any such action shall die pending the same, his death shall not abate said action, but his executor or administrator, as in suits which survive, shall come in, and prosecute the same; but the jury assessing damages shall assess damages only up to the date of the plaintiff's writ, which damages shall be assets in the hands of such administrator or executor, and not yearly damages or damages in gross, unless the heirs at law or devisees of such deceased shall, in writing or in person, in open court, consent to such appearance of the administrator or executor.

SEC. 18. No marriage of any party plaintiff in any such action, shall abate the same, if the new party in interest, upon the marriage being suggested by the defendant on the record, will at the same term, in writing or in person, in open court, amend the process and enter himself as one of the plaintiffs in said action; but the costs in said action shall not be increased by said marriage.

SEC. 19. If several joint-tenants, tenants in common or coparceners, be plaintiffs in such a suit, and pending the same, one or more of them shall sell his interest in the premises alleged to be injured, to one or more of his co-tenants, such action shall not thereby be abated, but the cause shall proceed to judgment with the same effect as if such conveyance had not been made.

SEC. 20. If there be several defendants in such a suit, and one or more of them die pending the same, the suit shall not thereby abate, but the cause shall proceed to judgment with the same effect as if such death had not occurred; and if there be but one defendant, and he die pending the same, his death shall not abate said action, if the devisees or heirs at law will come into court at the term next following the decease, and substitute their names as defendants, instead of the deceased.

SEC. 21. No person owning any dam, on any river or stream of water, shall detain the natural stream thereof at any one time, more than twelve hours out of twenty-four hours, except on Sundays, when he shall be requested by the owner of any dam within one mile below on the same stream to suffer the said natural run of said river or stream to pass his said dam.

CHAPTER 89.

OF WINDMILLS.

SECTION
1. No windmill to be placed within twenty-five rods of a street or road.
2. Penalty for locating or continuing windmill within that distance.
3. Town councils may remove such windmills.
4. May authorize or continue the location thereof.
5. Provisions of this chapter, in what cases not to be applied.

SECTION 1. No windmill shall be erected, placed or continued within twenty-five rods of any travelled street or road.

SEC. 2. Any person who shall neglect or refuse to remove any windmill, or who shall erect, locate or run any such mill, within twenty-five rods of any travelled street or road, shall be fined for every such offence, not exceeding five hundred dollars, nor less than one hundred dollars, one half thereof to the use of the town where the offence shall have been committed, and the other half thereof to the use of the state.

SEC. 3. The city council of any city, and the town council of any town, are hereby empowered to, and may, remove all such windmills, within their cities or towns respectively, as are located, continued or run contrary to the provisions of this chapter.

SEC. 4. The several town councils may upon petition in writing to them presented, authorize or continue the location of any mill in their discretion, at any place within the limits of their respective towns.

SEC. 5. The provisions of this chapter shall not apply to any mill which shall be located by decree of the town council of the town in which the same is situated, or to any mill situated in the towns of New Shoreham, or Jamestown.

CHAPTER 90.

OF TOLLS AT GRIST MILLS.

SECTION
1. Rate of toll.
2. Duty of miller.
3. Penalty for taking unlawful toll, or for neglect of duty.

SECTION 1. The toll for grinding corn or grain of any kind, shall not exceed two quarts out of every bushel brought to be ground, except in case of special contract.

SEC. 2. Every miller, or person tending a mill, shall grind for each person bringing corn or grain, to be ground, in his turn.

SEC. 3. Every miller, or person tending a mill, taking more toll than two quarts out of every bushel, or than shall have been agreed upon as aforesaid, or who shall refuse to grind for any person, in his turn, shall forfeit one dollar for each offence; one half thereof to the use of the town where the mill is situated, and the other half thereof to the use of the person suing for the same.

CHAPTER 91.

OF FENCES.

SECTION

1. What are lawful fences.
2. Partition fences, how placed and maintained.
3. Partition fences between improved lands maintained equally.
4. Partition fence between improved and unimproved lands.
5. Fence viewers may upon complaint order fences to be repaired or rebuilt.
6. Proceedings in case such order is not complied with.
7. Water fences, when to be maintained.
8. Disputes respecting partition fences to be settled by fence viewer.
9. Partition fence by agreement, how held and improved; agreement to be recorded.
10. Party making more than his share, to be paid by adjoining proprietor; in case of refusal, value to be ascertained by fence viewer.
11. Proceedings in such cases.
12. Fence viewer, penalty for neglect.
13. Fees of fence viewer.
14. Marsh lands not included in this chapter.
15. Remedy for trespassers by cattle on marsh land.

SECTION 1. The fences hereinafter described are and shall be adjudged to be lawful fences, to wit:—

A hedge with a ditch shall be three feet high upon the bank of the ditch, well staked, at the distance of two feet and a half, bound together at the top, and sufficiently filled to prevent small stock from creeping through; and the bank of the ditch shall not be less than one foot above the surface of the ground.

A hedge without a ditch shall be four feet high, staked, bound and filled, as a hedge with a ditch.

Post and rail fence on the bank of a ditch shall be four rails high, each well set in posts, and not less than four feet and a half high.

A stonewall fence shall be four feet high with a flat stone hanging over the top thereof, or a good rail or pole thereon, well staked or secured with crotches or posts.

A stonewall without such flat stones, rails or posts on the top shall be four feet and a half high.

And all other kinds of fences not herein particularly described shall be four feet and a half high.

SEC. 2. All partition fences shall run on the dividing line; and

the owners shall have the right to place one half of the width thereof on the land of each adjoining proprietor. Such fences shall be kept up and maintained in good order through the year, unless the parties concerned shall otherwise agree.

SEC. 3. Partition fences between lands under improvement shall be made and maintained in equal halves in length and quality by the proprietors or possessors of such lands respectively.

SEC. 4. In case any proprietor of land shall improve his land, the land adjoining being unimproved, and shall make the whole partition fence, the proprietor or possessor of the land adjoining and unimproved shall upon improvement thereof, pay for one half of such partition fence, according to the value thereof at that time; and shall keep up and maintain the same ever afterwards, whether he shall continue to improve such land or not.

SEC. 5. When any proprietor or possessor of land shall neglect or refuse to repair or rebuild any partition fence, or shall withdraw his fence from any division line, the aggrieved party may complain to any fence viewer of such town; who after due notice to such party shall attend and view the same; and if he shall find said complaint to be true, he shall in writing require the delinquent party to repair or rebuild the same within such time as he shall therein appoint, not exceeding fifteen days.

SEC. 6. If such order shall not be complied with, the complainant may repair or rebuild the same in the manner set forth in said order, and when the same shall be completed to the satisfaction of such fence viewer, he shall ascertain the costs thereof and give a certificate of the same, including also his fees, to the complainant, who may demand of the party delinquent double the sum in said certificate mentioned. If the same be not paid within one month after demand thereof, the complainant may recover the same in an action on the case for money laid out and expended, with interest at the rate of twelve per cent. per annum.

SEC. 7. Whenever any two persons' land shall lie together adjoining the water, and each under improvement, the proprietors or possessors thereof shall make and maintain a sufficient water fence to prevent trespass of each other's cattle, in the same manner as other partition fences are directed to be made by this chapter.

SEC. 8. When any controversy shall arise about the rights of the respective occupants in partition fences and their obligation to maintain the same, either party may apply to a fence viewer of the town where the lands lie; who, after due notice to each party, may, in writing, assign to each his share thereof, and direct the time within which each party shall erect or repair his share of the same; which assignment being recorded in the town clerk's office shall be binding upon the parties and all succeeding owners and occupants of the lands, and they shall be obliged always thereafter to maintain their respective shares of said fence, until the rights of the respective parties shall be determined differently in some proper action.

SEC. 9. In all cases where partition fences are erected as one

half part of the partition fence between proprietors or possessors of adjoining lands, or where the same may be hereafter erected by the agreement of the parties in interest or other lawful manner, the proprietors of the fences in either of the said cases erected, their heirs or assigns, shall hold and improve the same without molestation; and shall be forever afterwards excused from making other fence on such dividing line in all cases whatever, except by the special agreement of such parties to the contrary; all agreements which shall be made relating to such partition fences shall be registered in the town clerk's office in the town where such lands shall lie.

SEC. 10. Where the whole or more than one half of any partition fence has been or shall be made by the proprietor or possessor of the land on one side of the same, the proprietor or possessor of the land adjoining when he improves the same, shall pay to the proprietor or possessor who made such fence, the value of so much of the fence erected as aforesaid as the same may exceed one half of the fence on the whole line; and in case of his refusal so to do, the value shall be ascertained by any one fence viewer of the town where such land is situated, on application to him for that purpose.

SEC. 11. The fence viewer on such application, shall forthwith cite the parties in interest on such dividing line, at a convenient time, to view the fence; shall ascertain the value of the whole, and award the one half of such sum against the proprietor or possessor so refusing, with cost, and divide the whole fence between such parties and make report into the town clerk's office, which division shall be permanent; and if any person against whom report shall be made as aforesaid shall refuse to pay the sum so reported, said sum with costs shall be recovered by the party aggrieved, against such person, by action of debt.

SEC. 12. If any fence viewer to whom complaint shall be made against any person for a breach of this chapter, shall neglect or refuse to do the duty by this chapter enjoined on him to do, such fence viewer so refusing shall forfeit five dollars for every such neglect; to be recovered by any person who shall sue for the same, in the town where such fence viewer shall live.

SEC. 13. Every fence viewer shall be allowed one dollar and a half per day, and in proportion for half a day, or for any less time, for viewing any fence, on complaint made to him for that purpose; which fees shall be paid in the first instance, by the person complaining to him; and in case there shall appear to be good cause of complaint, may be by him recovered back of the party complained against.

SEC. 14. All tracts of marsh land so situated and exposed to the flow and wash of the sea as to render it impracticable for the several owners thereof to keep up partition fences around the respective shares or lots, shall be exempted from the operation of this chapter.

SEC. 15. If any person shall permit any cattle, sheep, horses or hogs to him belonging, to run upon any such tract of marsh land,

the owner of such marsh land shall, for every such trespass, have all the remedies provided in other cases by the ninety-fourth chapter.

CHAPTER 92.

OF POUNDS.

SECTION
1. Pounds to be maintained by each town.
SECTION
2. Penalty for neglect.

SECTION 1. Each town shall erect and maintain at its own charge, one or more public pounds, for the impounding of horses, mules, neat-cattle, sheep, goats, hogs, and asses, and for the securing of such animals, agreeably to law, in some convenient place or places in such town.

SEC. 2. Any town neglecting to erect or maintain a suitable public pound, for the purposes aforesaid, shall forfeit thirty dollars.

CHAPTER 93.

OF THE DISTRAINT OF ANIMALS GOING AT LARGE.

SECTION
1. Cattle found at large may be impounded, where and by whom.
2. Pound keeper to receive and feed such animals.
3. Owner not to reclaim them until fees and penalties are paid; fees of pound-keeper.
4. Penalties, how appropriated.
SECTION
5. Notifications to be set up, and notice in writing given to owner.
6. If no owner appears, pound keeper to deliver such animals to town treasurer.
7. Town treasurer may sell after notice; proceeds, how appropriated.
8. Provisions of this chapter may be extended to goats and geese.
9. Fees and penalty in such case.

SECTION 1. If any horse, neat-cattle, sheep or hog, shall be going at large in any highway or common, it shall be lawful for any freeholder or qualified elector, or field driver, of the town within which such animal is at large, to take up such animal and impound the same in one of the public pounds of said town.

SEC. 2. It shall be the duty of the keeper of any pound in which any animal shall be impounded, for the cause set forth in the next preceding section, to receive, and keep and feed such animal in such pound; and he shall and may duly milk any cow so impounded for his own use.

SEC. 3. The owner of any animal so impounded shall not have

the same out of said pound, until he shall first pay to the pound keeper the expenses of keeping such animal, (no regard being had to the milk derived from the same,) and the pound keeper's fees for receiving the same into the pound, viz.: for each horse and neat beast, four cents; for each sheep and hog, two cents; for every notification set up or notice given to the owner, twenty-five cents; and the following penalties, to wit: for every horse, neat beast and hog, fifty cents, and for every sheep, ten cents.

SEC. 4. The pound keeper shall pay one half part of every sum received by him as a penalty in pursuance of the next preceding section, to the town treasurer of the town in which the pound is situated, and the other half to the person who impounded the animal.

SEC. 5. When any animal shall have continued in any pound for forty-eight hours, the pound keeper shall, within forty-eight hours thereafter, set up notifications in at least three public places in the same town with said pound, one of which shall be at or near the office of the town clerk of such town, describing the natural and artificial marks, if any, on such animal, or shall give notice in writing to the owner of such animal.

SEC. 6. If no owner shall appear within twenty days from the date of such notifications or notice, and pay the penalty and charges aforesaid, the said pound keeper shall deliver the said animal to the treasurer of such town, with a statement in writing of the time and manner in which the said animal was impounded, and of the proceedings of such pound keeper in relation to the same; together with an account of the charges and expenses due from the owner of such animal to said pound keeper by virtue of this chapter.

SEC. 7. If said treasurer shall find the proceedings of said pound keeper correct, he shall sell said animal at public auction, after giving reasonable notice of such sale; and shall, out of the proceeds of the sale, pay the incidental expenses thereof, the cost of keeping such animal, after the same was delivered to him by the pound keeper for sale, the expenses and charges aforesaid, the expenses and the penalty aforesaid, and in the order above, if the proceeds of the sale be not sufficient to pay the whole thereof.

SEC. 8. If any town, district or village, shall vote to extend the provisions of this chapter to goats and to geese going at large within its limits, thereafter such goats and geese shall subject their owner to the same obligations and duties, and shall themselves be disposed of in the same way, as is, in this chapter provided, in relation to the animals therein named.

SEC. 9. The pound keeper's fees for receiving goats shall be four cents each, and for receiving geese, two cents each; and the penalty shall be twenty cents for each goat, and five cents for each goose.

CHAPTER 94.

OF THE DISTRAINT OF ANIMALS DAMAGE FEASANT.

SECTION
1. Cattle breaking through a lawful fence may be impounded, or damages may be recovered by action.
2. Damages, when animal is impounded, to be appraised, when and by whom.
3. Notice, when, to whom and how given.
4. Pound keeper, after notice, may sell such animal to satisfy damages and charges.
5. Proceeds of sale to be paid into town treasury.
6. Pound keeper shall feed such animals.
7. Fees of pound keeper.
8. Person impounding may have his action for damages.
9. Owner may replevy.
10. Writ to be served, and cause heard like other civil actions before a justice of the peace.
11. Bond to be given before service of writ.
12. Judgment in replevin, how entered.
13. Animals, how held in case of judgment for defendant.
14. Plaintiff to have judgment, if animals were unjustly taken.
15. Either party may appeal.
16. Cause may be removed to court of common pleas, when; how to be disposed of.
17. Proceedings in cases of action for damages against the owner.
18. Animals breaking through unlawful division fence, owner of fence liable.

SECTION 1. If any neat-cattle, horses, sheep or hogs shall break through a lawful fence into the inclosure of any person, the person aggrieved thereby may recover his damages either by action against the owner of the trespassing beasts, or by impounding such beasts.

SEC. 2. The party aggrieved, in order to be entitled to recover damages by impounding, shall, within two days after such beasts break into his inclosure, get two freeholders of the town wherein the trespass is committed, to appraise the damage and give a statement thereof in writing, under their hands, and shall lodge the same with the pound keeper.

SEC. 3. When beasts are impounded, the pound keeper shall, within forty-eight hours thereafter, give notice thereof in writing to the owner, if the owner shall be known to him and resides within six miles from the pound; which notice shall be delivered to the owner or left at his place of abode, and shall contain a description of the beasts, and a statement of the time and cause of impounding; and in case the owner shall not be so known or resides more than six miles from the pound, the person impounding shall post up such notice in three public places in the town in which the beasts are impounded.

SEC. 4. If the owner of such beasts impounded as aforesaid shall not, within ten days after the impounding thereof, pay and satisfy the damages appraised as aforesaid, and the charges of impounding and feeding said beasts, or shall not replevy the same, the pound keeper shall cause them to be sold by public auction in the

town where they are impounded, first advertising the sale by giving personal notice to the owner of the beasts, if he is known, and if he is not known, by posting notices of such sale at least three days before the sale, in three public places in the town in which the beasts are impounded.

SEC. 5. The proceeds of sale, after paying all the said damages, costs and expenses, with the costs of advertising and selling the beasts, shall be paid into the town treasury, for the use of the owner of said beasts, if he shall substantiate his claim thereto within two years from sale.

SEC. 6. The pound keeper shall feed such beasts so impounded at the charge of the owner thereof; and he shall not deliver them to the owner until the owner pays him his fees, together with the sum demanded for damages, and all other legal costs and expenses.

SEC. 7. The pound keeper shall be allowed as his fee for impounding, for each neat beast or horse, four cents; for each hog or sheep, two cents; and for each notification set up or notice given to the owner, twenty-five cents; and eight cents per mile for travel in giving personal notice, to be computed from the pound to the place of service.

SEC. 8. If the owner of such beasts so impounded shall, within two days after they are impounded, demand of and receive from the pound keeper such beasts, and pay him his charges, and the person impounding has not lodged with the pound keeper a statement of damages, he may have his action at law for such damages, provided he shall perform all the requisitions and proceedings mentioned in the second section of this chapter.

SEC. 9. Any person whose beasts are impounded, may if he see cause, maintain a writ of replevin therefor, to be sued out and prosecuted before any justice of the peace in the town where they were impounded.

SEC. 10. The writ shall be sued out, served and returned, and the cause shall be heard and determined, in like manner as other civil actions before a justice of the peace, in all particulars in which a different course is not prescribed.

SEC. 11. The writ shall not be served unless the plaintiff, or some one in his behalf, shall execute and deliver to the officer a bond to the defendant, with sufficient sureties, to be approved by the officer, in a penalty double the value of the beasts to be replevied, with condition to prosecute the replevin to final judgment, and to pay such damages and costs as the defendant shall recover against him, and also to return the said beasts in case such shall be the final judgment; which bond the officer shall return with the writ to be left with the justice for the use of the defendant.

SEC. 12. If it shall appear that the beasts were lawfully impounded, the defendant shall have judgment for such sum as shall be found due from the plaintiff for the damages for which the beasts were impounded, together with all the legal fees, costs, charges and expenses, and the costs of the action of replevin; or

instead of such judgment the justice may in his discretion enter judgment for a return of the beasts to the defendant, to be held by him irrepleviable by the plaintiff, and for defendant's damages for the taking thereof by the replevin and for his costs of suit. In case the plaintiff in replevin shall not enter his suit in replevin, the defendant may file his complaint before the justice and have judgment against the plaintiff as above provided.

SEC. 13. When the beasts are returned to the defendant pursuant to such judgment, they shall be held and disposed of in like manner as if they had not been replevied.

SEC. 14. If it shall appear upon the default of the defendant or otherwise, that the beasts were taken without sufficient or justifiable cause, the plaintiff shall have judgment for his damages caused by the unjust taking and detaining of the beasts, and for his costs of suit.

SEC. 15. Either party may appeal from the final judgment of the justice, as in other civil actions tried before a justice of the peace.

SEC. 16. When the sum demanded for damages exceeds twenty dollars, or when the property in the beasts is in question, and their value exceeds that sum, or when title to real estate is brought in question, the case shall, at the request of either party, be transferred to the court of common pleas in the same county, and be there disposed of in like manner as civil actions before justices of the peace are disposed of, where title to real estate is brought in question by the pleadings.

SEC. 17. If the aggrieved person shall proceed by action against the owner or keeper of the trespassing beasts, he shall get two disinterested inhabitants of the same town wherein the trespass was committed, to appraise the damages, and to give him a memorandum thereof in writing under their hands, which certificate shall be attached to his writ, and shall make an essential part thereof; and under no circumstances shall he recover of the defendant in such action, unless such appraisal and certificate shall be made within ten days of the time such trespass was committed, nor then to a greater amount of damages than the amount named in such certificate.

SEC. 18. Nothing in this chapter contained shall be construed to impair the right of any proprietor or occupant of land to recover all the damages which he shall sustain by any cattle, sheep, horses or hogs breaking into his land, through that part of the division fence between him and the adjoining owner, which it is the right and duty of such adjoining owner to repair, if such part of said division fence shall at the time be out of repair or not conformable to law.

CHAPTER 95.

OF ESTRAYS.

SECTION
1. Animals found damage feasant may be taken up, if owners are unknown; notice to be given to town clerk.
2. Town clerk to set up notices of such estray, and publish the same.
3. Estray to be kept a year and a day; horse to have a withe about his neck.
4. Owner to have estray within a year and a day on paying charges.
5. Differences between the parties may be referred.
6. Proceedings in case the owner does not appear within a year and a day.
7. Penalty for not proceeding as required by this chapter.
8. Person taking up an estray may use it after notice to town clerk.
9. Town clerk to keep record of his proceedings, pay money received for estrays into the town treasury; fees of town clerk.
10. This chapter not to extend to any town where other provision is made by law.

SECTION 1. If any person shall find any horse, neat beast, sheep or hog on his own land, damage feasant, not knowing to whom the same belongs, he may take up such animal as an estray, and within ten days thereafter he shall repair to the town clerk of the town in which the same was taken up and give notice thereof.

SEC. 2. The town clerk shall thereupon cause to be made three notifications, attested under his hand, setting forth the natural and artificial marks of such animal: one of which notifications he shall cause to be set up in the same town, and the other two in some public places in the next two towns in the state, and shall also cause such notifications to be published in one of the newspapers printed in the town nearest to that in which such estray shall be taken up.

SEC. 3. Any animal so strayed and taken up shall be kept by the person who took it up, one year and a day, and if it be a horse, to have a withe kept about his neck the whole of said time.

SEC. 4. Any person laying just claim to such animal may, at any time within the year and a day, have the same again upon paying the just and reasonable charges of keeping, crying and notifying as aforesaid, over and above the actual benefit derived from the use of the same.

SEC. 5. In case any difference shall arise between the said parties about the charge of keeping such animal, the same may be referred to three justices of the peace within said town, who shall hear and determine the same, according to justice and equity, and shall tax costs as in other cases.

SEC. 6. In case no owner shall appear within said year and a day, the person who took up said animal shall repair to the town clerk, taking with him two electors of the neighborhood, who shall be, by the town clerk, engaged to make a faithful and true ap-

praisal of said animal; and the person who took up said animal shall pay one half of the sum said animal shall be appraised at, after all just charges are deducted, into the hands of the town clerk, who shall give him a certificate from under his hand that he has proceeded according to law with said animal; whereupon the said person may convert the same to his own use.

SEC. 7. Any person taking up any such animal and not proceeding as is by this chapter required, shall forfeit five dollars; one half thereof to the use of the town where the offence shall be committed, the other half to the use of him who shall sue for the same.

SEC. 8. The person who shall take up any such animal may lawfully use the same during the year and day it may be in his possession, after he has given notice thereof to the town clerk, as required in the first section of this chapter.

SEC. 9. Each town clerk shall keep a fair record of all his proceedings under this chapter, and shall pay all moneys by him received for any such estrays, and for which no owner appears, into the town treasury, immediately on receipt thereof; and the town clerk shall be paid for every animal so cried, and for every advertisement posted up or printed as aforesaid, twelve cents; and if no owner appear, and it be appraised and he give a certificate as aforesaid, he shall have twenty-five cents therefor.

SEC. 10. The provisions of this chapter shall not extend to any town where other provision on this subject is made by law.

TITLE XVI.

Of Fisheries.

CHAPTER 96. Of free and common oyster fisheries.
CHAPTER 97. Of private and several oyster fisheries.
CHAPTER 98. Of certain fisheries.
CHAPTER 99. Of the fishery in Pawcatuck river.

CHAPTER 96.

OF FREE AND COMMON OYSTER FISHERIES.

SECTION
1. No oysters to be taken from the common fisheries between fifteenth May and fifteenth September.
SECTION
2. No more than three bushels to be taken within twenty-four hours, south of a certain line.

SECTION
3. No more than five bushels, north of said line.
4. Planting of oysters on private beds south of said line prohibited.
5. Penalties, how recovered, and how to enure.
6. Boats not to be used by more than two persons, nor for taking more than is allowed to each person.
7. Penalty for violation of the preceding section.
8. No quahaugs or clams to be taken from certain beds at certain seasons.
9. Dredges, use of, on board of boats or otherwise, in taking oysters, prohibited.
10. Under-rake may be used in Point Judith ponds.
11. Penalty for breaking up or injuring oyster-beds.

SECTION
12. Small oysters, shells, &c., to be culled out and restored to the bed.
13. No oysters to be taken from a public bed except between sunrise and sunset.
14. Non-residents not allowed to take oysters, &c.
15. New beds or sets of oysters to be protected by buoys until suitable for use.
16. Commissioners to give notice of the mooring and removal of such buoys.
17. No oysters to be taken from such bed or set until the buoy is removed.
18. Penalty for violating any provision of sections twelve, thirteen, fourteen and seventeen.
19. Other penalties on persons convicted a second time.
20. Certain ponds declared free and common oyster fisheries.

SECTION 1. Any person who shall take any oysters from the free and common oyster fisheries in any of the waters of this state, or expose any oysters for sale taken therefrom, within this state, at any time between the fifteenth day of May and the fifteenth day of September in each year, shall forfeit twenty dollars for each offence.

SEC. 2. Any person who shall take more than three bushels of oysters, including shells, during each twenty-four hours, from any of the free and common oyster fisheries within the waters of this state, south of a line drawn from the southerly end of Fox point, extending easterly to a monument set up by the commissioners of shell fisheries, on the Seekonk shore, (said line running northerly of "East Bed" so called,) shall forfeit twenty dollars for every bushel so taken over and above said three bushels.

SEC. 3. Any person who shall take more than five bushels of oysters, including shells, during each twenty-four hours, from any of the free and common oyster fisheries within this state, north of the line named in the next preceding section, shall forfeit twenty dollars for every bushel so taken over and above said five bushels.

SEC. 4. Any person who shall plant upon any private bed, any oysters taken from the free and common oyster fisheries within this state, south of the line named in the second section of this chapter, shall forfeit twenty dollars for each bushel so planted.

SEC. 5. Any forfeiture incurred by a violation of any of the provisions of either of the three sections next preceding, shall be recovered by separate complaint and warrant, and shall enure, one half thereof to the complainant, and the other half thereof to the state.

SEC. 6. No boat or vessel shall be used for taking oysters from any free and common oyster fishery within the waters of this state, by more than two persons during each twenty-four hours;

nor shall any boat or vessel be used for taking from any such free and common oyster fishery south of the line named in the second section of this chapter, more than three bushels of oysters, or north of said line more than five bushels of oysters, to each of said persons during each twenty-four hours; nor shall any boat or vessel be used for taking oysters as aforesaid both above and below said line, within each twenty-four hours.

SEC. 7. Any person who shall violate any provision of the next preceding section shall be fined twenty dollars for each bushel of oysters beyond the number of bushels therein authorized to be taken, one half thereof to the use of the complainant and the other half thereof to the use of the state, to be recovered by separate complaint and warrant.

SEC. 8. Any person who shall take any quahaugs or clams from long bed, west bed, or from great bed, so called, in Providence river, between the fifteenth day of May and the fifteenth day of September in each year, shall forfeit twenty dollars for each offence.

SEC. 9. Any person who shall take any oysters from any free and common oyster fishery within the waters of this state with dredges, or with any other instrument, or by any other method more destructive to oyster-beds than the usual method of taking them by oyster tongs, or shall with such dredge or other instrument as aforesaid rake over any oyster-bed, under any pretence or for any purpose whatever, or shall have such dredges or other instruments as aforesaid on board any boat or vessel employed in taking oysters within the waters of this state, shall forfeit the boat or vessel with its tackle, apparel and furniture, and all implements thereto belonging, on board of which such dredge or other instrument aforesaid may have been used, or may be or may have been found; and in addition thereto, each and every person on board such boat or vessel shall forfeit three hundred dollars.

SEC. 10. Nothing in the next preceding section shall be construed to prevent any citizen of this state from taking oysters in Point Judith ponds, in South Kingstown, by a certain instrument long used in said ponds, known by the name of an under-rake, and described as follows: the handle of said rake being fifteen to twenty feet in length, the head from one to two feet in length, filled with iron teeth from six to ten inches in length, and mostly used through holes cut in the ice.

SEC. 11. Every person who shall knowingly and wilfully break up, damage or injure any bed of oysters within the waters of this state, shall be fined five hundred dollars for each offence; one half thereof to the use of the complainant and the other half thereof to the use of the state.

SEC. 12. All persons taking oysters from any bed in the free and common oyster fishery within the waters of this state, shall at the time of such taking, cull out and restore to said bed all small oysters, shells, stones and other substances valuable to said bed, retaining only such oysters as are fit for market and present use.

SEC. 13. No person shall take oysters from a public oyster

ground or bed, except between the hours of sunrise and sunset, on any day.

SEC. 14. No person, not a citizen of this state, shall be allowed to fish for oysters or other shell-fish within the waters of this state.

SEC. 15. Whenever any new bed, or any new set of oysters shall be discovered within the public waters of this state, and brought to the knowledge of the commissioners of shell-fisheries, they shall forthwith proceed to examine said new bed or new set, and, if, after examination, they shall deem said oysters unsuitable for present use and market, they shall cause a suitable buoy to be moored and continued on said bed or set, until said oysters shall become suitable for present use and market, when they shall cause said buoy to be removed.

SEC. 16. Said commissioners shall also cause public notice to be given in some newspaper published in the city of Providence, of the mooring of said buoy and the removal thereof, together with the purpose for which it is moored and removed, for one week next succeeding said mooring, and for one week next preceding said removal.

SEC. 17. During the continuance of said buoy upon said bed or set, no person shall fish for or take any oysters or other shell-fish from said bed or set; and no person shall remove said buoy, except by order of said commissioners, or shall injure or deface the same.

SEC. 18. Any person violating any of the provisions of the twelfth, thirteenth, fourteenth and seventeenth sections of this chapter, shall be fined twenty dollars for each offence, one half thereof to the use of the complainant and the other half thereof to the use of the state; and every boat or vessel used, or in any way employed in taking oysters or other shell-fish, contrary to the provisions of either of said sections, shall, together with its tackle, apparel, furniture and implements on board, be forfeited.

SEC. 19. Any inhabitant of this state, convicted a second time of a violation of any of the provisions of this chapter, shall, in addition to the penalties before mentioned, be deprived of the privilege of fishing for oysters in the waters of this state for three years thereafter, under a penalty of thirty days' imprisonment for each offence; and any person not an inhabitant of this state convicted a second time of a violation of any of the provisions of this chapter, shall, in addition to the penalties above prescribed, be imprisoned not exceeding three months for each offence.

SEC. 20. Quicksand pond in Little Compton, Point Judith ponds in South Kingstown, and the several ponds in the towns of Tiverton, Charlestown, and New Shoreham, shall be deemed and taken to be free and common oyster fisheries.

CHAPTER 97.

OF PRIVATE AND SEVERAL OYSTER FISHERIES.

SECTION
1. Duties of commissioners of shell fisheries.
2. Commissioners may lease certain lands as private oyster grounds; terms and conditions of lease.
3. Notice of application for lease, how to be given.
4. Powers of commissioners, and proceedings upon such application.
5. Appeal to court of common pleas allowed.
6. Appeal, when to be claimed; reasons of appeal and copy of case, when to be entered; bond, when and how given.
7. Proceedings in appellate court.
8. Commissioners not to lease any land which is a natural oyster-bed.
9. No person to have more than one acre for a private bed.
10. Leases, how to be executed, and what covenants and restrictions to contain.
11. Land leased to be platted, inclosed with stakes or buoys, and bounds to be set up on the shore.
12. Expenses of application for such lease to be paid by applicant.
13. Penalty for injuring any stake, buoy or bound inclosing a private fishery.
14. Oysters growing in a private oyster-bed, the property of the lessee.
15. Duties of commissioners respecting such leases.
16. Commissioners to retain copies of leases; general treasurer to give notice of non-payment of rents.
17. Legal proceedings for the collection of rents.
18. Watchmen to be appointed over great bed.
19. Powers of watchmen; how commissioned and removed.
20. Watch-boat, cost of, and pay of watchmen, how defrayed.
21. Notice of assessment, the amount thereof, and when and where payable, to be given.
22. Proceedings in case of neglect to pay assessment.
23. Watch-boat the property of the state.
24. Penalty for taking oysters from private beds except between sunrise and sunset.
25. Penalty for taking and carrying away oysters from private oyster ground.
26. Lessee or his agent in such cases may act as a special constable.
27. Penalty on lessee for stealing oysters from the private bed of another.
28. Certain allegations in complaints, &c., unnecessary.
29. Commissioners may make complaints without giving bond for costs.
30. Other penalties in case of a second conviction.
31. Clams and quahaugs may be dug on the shores by citizens of the state.
32. Commissioners may grant to certain persons the right to take shell-fish.

SECTION 1. It shall be the duty of the commissioners of shell fisheries to watch over the oyster and other shell fisheries of this state; to prosecute for all breaches of the law in relation to the same, and from time to time to recommend to the general assembly such action as in their opinion will tend to preserve and increase the value of such fisheries.

SEC. 2. The commissioners may lease, in the name of the state and under their hands and seals as such commissioners, in the manner hereinafter provided, to any suitable person, being an in-

habitant of and domiciled within this state, for a term not exceeding ten years nor less than five years, any piece of land, where there are no natural oyster-beds, covered by the public waters of this state lying south of a line running east and west from Field's point in Providence river across the state, and including Fuller's rocks, so called, and also between said line and a line drawn from Hill's wharf in the city of Providence, eastward to the channel, and between the channel and the harbor line on the west side of the river, or in Seekonk river, as a private or several oyster ground or oyster fishery, for the planting of oysters, upon such terms and restrictions as to the importing and planting of oysters therein, and upon such rent reserved to the state and annually payable to the general treasurer thereof, as they shall think just and expedient.

SEC. 3. Whenever any suitable person being an inhabitant of and domiciled within this state, shall make application to the commissioners for the lease of any piece of such land, as a private or several oyster ground, or oyster fishery for the planting of oysters, said commissioners shall, before granting or entering upon the consideration of such application, cause public notice to be given of the time and place for the hearing and consideration of the same; which notice shall contain a description of the land so applied for, and shall be published at the expense of the applicant, for at least two weeks previous to said hearing, in some public newspaper printed in the city of Providence; and at such hearing, any person may appear and show cause why such application should not be granted.

SEC. 4. Said commissioners may adjourn said hearing from time to time, and shall have power to issue process to compel the attendance of witnesses for either party and to administer oaths; and shall give notice to all parties who have appeared before them upon any application, of the time and place when their decision will be given, and such decision shall be final unless an appeal is claimed and prosecuted as hereinafter provided.

SEC. 5. Any person aggrieved at the decision of the commissioners upon any application for a private or several oyster ground or oyster fishery, may appeal from said decision to the next term of the court of common pleas to be holden within and for the county, nearest to which said land so applied for lies.

SEC. 6. Such appeal shall be claimed at the time such decision shall be made, and within five days thereafter be entered in the clerk's office of the court appealed to, together with the reasons thereof, and a copy of the proceedings before the commissioners. The appellant shall at the same time file his bond, with sufficient surety in the sum of fifty dollars payable to the clerk of the court appealed to, for the use of the state, with condition to prosecute such appeal to final judgment and to pay such witnesses' fees and the costs of summons incurred by any party opposing said appeal as the court shall award in case the decision of the commissioners shall not be reversed.

SEC. 7. Said case shall be heard and tried in the same manner

as other cases entered upon the docket of said court; and the judgment of the court shall be conclusive upon the question whether said land shall or shall not be leased, and the commissioners shall grant or refuse a lease accordingly.

SEC. 8. Said commissioners shall not lease or renew any lease of any piece of land covered by the public waters of this state, as a private or several oyster ground or oyster fishery, for the planting of oysters, which is or shall be at the time of the application for said lease, a natural oyster-bed.

SEC. 9. No one person shall have more than one acre of land, and no company more than one acre to each member of the same, so covered with water, leased to him or them as aforesaid.

SEC. 10. Said leases shall be executed by said lessee or lessees as well as by said commissioners, in two parts; one part thereof to be delivered to said lessee or lessees, and the other part thereof to be forthwith transmitted by said commissioners to the general treasurer; and shall contain proper covenants for the payment of rents, and the performance of the conditions and observance of the restrictions therein set forth, with proper clauses reserving to said commissioners a right to reënter on behalf of the state, and to terminate said lease, for breach of any of said covenants.

SEC. 11. Said commissioners shall if they shall deem it necessary, before granting any such lease, cause the land, to be leased as aforesaid, to be surveyed and platted, in which case a copy of the plat shall be annexed to each part of the lease; and shall in all cases cause proper bounds with marks thereon to be set up on the shore within this state, opposite and nearest to such land to be leased as aforesaid, in order to define the limits thereof; and whenever and so far as the same can be done without interfering with navigation, shall cause such land, to be leased as aforesaid, to be inclosed with stakes or buoys not more than two rods apart, with such marks thereon as they may direct. Said bounds, stakes or buoys, with the marks thereon, shall be renewed whenever the commissioners shall direct.

SEC. 12. The drawing and executing of such leases, the surveying and platting, the setting up and marking of bounds on shore, and the inclosing of the lands leased with stakes or buoys, and the marking of the same as aforesaid, shall, in all cases, be done under the direction of the commissioners, at the expense of the applicant or applicants for such lease; and the commissioners shall receive from such applicant or applicants their necessary expenses, and one dollar and a half per day for each day's actual service about his or their application.

SEC. 13. Any person who shall injure, deface or destroy said marks or bounds, or shall break, pull up, injure, carry off, cut or destroy any such stake or buoy, or deface any mark thereon, or shall tie or fasten any boat or vessel to any such stake or buoy, shall be fined twenty dollars for each offence, one half thereof to the use of the state, and the other half thereof to the use of the complainant. Any such person shall, in addition thereto, be liable in an action of the case to pay double damages and costs to the

person who shall be injured by having the marks and bounds, stakes or buoys of their said lots injured, defaced, removed or used as aforesaid.

SEC. 14. The oysters planted or growing in any private oyster ground leased as aforesaid shall, during the continuance of the lease, be the private personal property of the lessee or lessees of such oyster ground; and the taking and carrying away thereof, or of any of the same, shall be theft, under all circumstances in which the taking and carrying away of any other personal property would be theft, and shall be punished accordingly; but nothing in this section contained shall interfere with or invalidate the right of any lessee or lessees to commence any private action for the taking and carrying away of their oysters aforesaid, and to recover full damages for the private injury by them thereby sustained.

SEC. 15. Said commissioners shall, from time to time, diligently inspect and ascertain whether or not the terms and restrictions of the leases, in regard to the importing and planting of oysters, are kept and performed in a just and proper manner, and whether or not the rents are punctually paid; and in case said terms and restrictions are not kept and performed, or said rents are not punctually paid, the commissioners shall forthwith enter upon said land so leased, and terminate the lease.

SEC. 16. The commissioners shall retain copies of all leases by them granted, and the general treasurer shall from time to time notify the commissioners of any lessees who shall neglect or refuse to pay their rent within four weeks after the same shall fall due.

SEC. 17. The commissioners are authorized, in the name of the state, to institute at any time after such rent shall fall due, any legal proceedings that may be necessary for the collection of such rent.

SEC. 18. The commissioners shall have power to appoint two suitable persons as watchmen, whose duty it shall be to maintain watch during such hours as shall be directed by the said commissioners, over that portion of the oyster fisheries of this state, in Providence river, known as great bed.

SEC. 19. Such watchmen shall be commissioned by the commissioners for a term not exceeding the political year for which the commissioners are elected, but either of them may be removed by the commissioners at any time for misbehavior or neglect of duty, and others appointed and commissioned in their stead, and any person so appointed and commissioned, as aforesaid, shall have, during his continuance in office all the power and authority of a police constable of the city of Providence.

SEC. 20. The commissioners shall have power to provide a boat, with suitable accommodations, for said watchmen, to be located on said fishery, and the cost of providing and maintaining the same, as well as the compensation which said watchmen shall receive, as determined by the commissioners shall be defrayed by a tax to be assessed by said commissioners, on each oyster lot on said fishery.

SEC. 21. Said commissioners shall give one week's notice by

public advertisement of their intention to assess said tax, and shall, after the same is assessed, give in the same manner, notice of the amount of the same, and when and where payable, for at least three successive weeks.

SEC. 22. If the lessee of any oyster lot which is applied for as aforesaid, shall neglect or refuse to pay said assessment within the time designated by the commissioners, it shall be lawful for the commissioners to determine his lease and dispose of his lot to any other person, according to law, as if the same were unoccupied ground.

SEC. 23. Said boat shall be the property of the state, and be under the direction and control of the commissioners.

SEC. 24. Any person who shall take oysters from any several and private oyster ground or bed, except between the hours of sunrise and sunset on any day, shall be fined twenty dollars for each offence, one half thereof to the use of the state and the other half thereof to the use of the complainant; and every boat or vessel used or in any way employed in so doing, shall, together with its tackle, apparel, furniture and implements on board, be forfeited.

SEC. 25. Any person convicted of taking and carrying away oysters from any private oyster ground, shall be fined not exceeding one hundred dollars, nor less than twenty dollars, and in default of the payment of such fine and costs he shall stand committed until the same shall be paid, provided his imprisonment shall not exceed one year.

SEC. 26. Any lessee of any private oyster-bed, or any other person acting as agent of such lessee, having been first duly sworn, may as a special constable arrest any person who may be caught in the act of stealing any oysters from any private bed in any of the waters of this state, and bring such person before competent authority, to be dealt with according to law.

SEC. 27. Any lessee of any private oyster bed who shall be convicted of stealing oysters from any private bed shall forfeit his bed and all the oysters thereon, to the state, in addition to the penalty herein before provided for such theft.

SEC. 28. In any complaint, prosecution or indictment, it shall be unnecessary to allege or prove from what private bed the oysters were taken, or to whom they belonged.

SEC. 29. The commissioners or either of them may make complaint for any violation of the provisions of this chapter without giving bond for the payment of costs.

SEC. 30. Any person convicted a second time of a violation of any of the provisions of this chapter, shall in addition to the penalties herein before mentioned, be deprived of the privilege of fishing for oysters in the waters of this state for the space of three years thereafter, under penalty of thirty days' imprisonment for each offence.

SEC. 31. Nothing in this chapter contained shall be construed to prevent any citizen of this state from digging clams or quahaugs on the shores of the public waters of this state.

SEC. 32. Nothing herein contained shall be construed to prevent the commissioners from granting unto Luke S. Rice, George Rice, John D. Wilbur, Lewis Wilcox, John Peterson, Leander Dunwell, Jeremiah Wilcox, Henry A. Sutton, Bowen Sutton, Alvin S. Cozzens, James Cobb and Thomas B. Wall, the right and privilege of taking oysters, quahaugs, clams and other shell-fish, within the waters and upon the shores of this state, for the term of ten years from the first day of March, A. D. 1852, with the same rights and privileges, and subject to the same conditions and restrictions as the inhabitants of this state have and are subject to; each of said persons paying to the general treasurer for said rights and privileges two dollars for each and every year they shall continue to enjoy the same.

CHAPTER 98.

OF CERTAIN FISHERIES.

SECTION

1. Fishery in the river in Barrington, and penalty.
2. In Easton's pond, and penalty.
3. In Kickamuit river, and penalty.
4. In Puncatest, alias Nomquit pond, and penalty.
5. Same subject.
6. In Palmer's river, above Kelly's bridge, and penalty.
7. Same subject.
8. Penalty for unlawfully setting lobster pots or nets.
9. Penalty for raising lobster pots or nets without permission.
10. Penalty for throwing fish offal, &c., into the navigable waters of the state.
11. Fishery in Petaquamscut river, and penalty.
12. Smelts, nets, &c., used for catching, allowed.
13. Fishery in mill cove, Warwick, and penalty.
14. Same subject.
15. Same subject.
16. Fishery in waters west of line from Quanset point to Room's point, and penalty.
17. In waters west of line from Calf-pasture point to Rocky point, and of line from Pojack point to Marsh point, and penalty.
18. In Point Judith ponds' breach.
19. In Point Judith ponds.
20. Same subject.
21. Same subject.
22. Same subject.
23. Penalty for violating any provision of preceding five sections.
24. Penalty on non-residents for carrying from the state, lobsters, tautaug and other fish.
25. Penalty for taking fish in streams or fresh ponds, except by hook and line.
26. Penalty for destroying fish by deleterious substances.
27. Penalty for unlawfully taking pickerel or trout.
28. Actions for violating any provision of preceding three sections limited.
29. Penalties, how to enure.

SECTION 1. If any person shall set or draw any seine in any part of the river running from Warren river through the town of Barrington to the dividing line between the town of Barrington and the town of Rehoboth, he shall forfeit twenty dollars.

SEC. 2. If any person shall set or draw any seine or net in the pond called Easton's pond, in Newport, or in the creek adjacent to or in any of the inlets or rivers belonging thereto, he shall forfeit eighteen dollars.

SEC. 3. If any person shall set or draw any seine or net in Kickamuit river, within half a mile from the place called the Narrows, he shall forfeit fifteen dollars.

SEC. 4. If any person shall erect or make any weir, pot or other contrivance, to obstruct the course of fish across Puncatest, alias Nomquit pond, or any part thereof, or in any river or stream leading into or out of said pond, at any time, he shall forfeit ten dollars.

SEC. 5. If any person shall set any hanging or mesh net in Puncatest, alias Nomquit pond, or in any river leading into or out of said pond, from the first day of January to the first day of August in every year, he shall forfeit ten dollars.

SEC. 6. If any person shall erect or continue in Palmer's river, above Kelly's bridge, any weir, dam or other obstruction to prevent the free passage of fish up said river, he shall forfeit fifteen dollars for the first offence, and ten dollars for every twenty-four hours any such weir or dam or other obstruction shall be continued after the first twenty-four hours.

SEC. 7. If any person, not at the time an inhabitant of this state, shall set or draw any seine or net in Palmer's river, above Kelly's bridge, on Thursday, Friday or Saturday of each week; or if any person shall set or draw any seine or net in said river, above said bridge, on Sunday, or between the setting and rising of the sun on any day, he shall forfeit for each offence fifteen dollars.

SEC. 8. If any person not at the time an inhabitant of this state shall set or keep, or cause to be kept or set, within any of the waters, or upon or within three miles of any shore of this state, more than two pots or nets for the catching of lobsters, at any one time, he shall forfeit twenty dollars for each offence.

SEC. 9. If any person shall lift or raise any pot or net set for the catching of lobsters, without permission of the owner thereof, he shall forfeit ten dollars.

SEC. 10. Any person who shall throw or cause to be thrown, any parts of menhaden, or fish offal, into any of the waters of Narragansett Bay, or other navigable waters of this state, shall be fined not exceeding two hundred dollars for each offence.

SEC. 11. Any person who shall at any time from the fifteenth day of April to the fifteenth day of June, in every year, erect any weir or draw any seine or net for the obstructing, catching or hauling of fish at the beach or entrance of Petaquamscut river, or within one mile thereof, or who shall at any time make or erect any weir or set any standing seine across said river, shall be fined not less than twenty dollars nor more than fifty dollars for each offence and shall also forfeit any such weir, seine or net.

SEC. 12. Nothing in the next preceding section shall be construed to prohibit any person from using nets or fishing crafts for the catching of smelts as are commonly used in the smelt fishery,

from the first day of February to the first day of April, in every year.

SEC. 13. If any person shall erect any dam or weir across mill cove, in Warwick, or from the mouth of said cove to the pond of fresh water which runs into said cove, or shall keep up any dam or weir already therein made, at any time between the first day of April and the first day of June in every year without leaving open through such dam or weir a sufficient way for the fish to pass, he shall forfeit ten dollars for the first offence, and five dollars for every twenty-four hours such dam or weir shall be continued without such sufficient way therein.

SEC. 14. Any person who shall fish in any way in said mill cove, or in the stream leading from said pond into said cove, on Sundays or on Saturdays or Mondays save with a hook and line, or who shall catch or hinder any alewives coming down said mill cove or brook at any time shall forfeit three dollars for each offence.

SEC. 15. If any person shall set or draw any seine or net in said mill cove or from the mouth thereof to the pond of fresh water which empties into the same, he shall forfeit fifty dollars.

SEC. 16. Any person who shall set any trap, net, or draw any seine at any time, west of a straight line drawn from Quanset point, on the north side of Wickford harbor to Room's point, on the south side of said harbor shall be fined not less than five dollars nor more than twenty dollars, one half thereof to the use of the complainant and the other half to the use of the state. Nothing in this section contained shall be construed to prevent surface, bag or purse seine fishing for catching menhaden.

SEC. 17. Any person who shall set any trap, net, or draw any seine at any time west of a line drawn from Calf-pasture point, on the north side of Allen's harbor, to Rocky point on the south side thereof, or west of a line drawn from Pojack point, on the south side of Potowomut river, to Marsh point, on the north side thereof shall be fined not less than five dollars nor more than twenty dollars, one half to the use of the complainant and the other half to the use of the state.

SEC. 18. No person shall, from the fifteenth day of April to the fifteenth day of June, inclusive of both days, in every year, or from the fifteenth day of August to the fifteenth day of December, inclusive of both days in every year, commencing at the rising of the sun on both days, erect any weir, or set or draw any seine or net for obstructing, catching or hauling of fish within half a mile east from Point Judith ponds' breach, meaning the breach for the time being into the sea; or within a point on the west side of said breach, four rods distant from Joseph Champlin's fish-house, (so called,) or within said breach or within any channel leading to said ponds, or any branch thereof from the sea, or within a quarter of a mile of the entrance of such channel into said ponds or branches of said ponds.

SEC. 19. No weir shall be erected, nor any standing seine or net set across the channel, nor in Point Judith ponds, within a quarter of a mile from the following places, viz.: Alder point, near where

Saukatucket river flows into the said ponds, Prince's narrows, which connect the upper with the lower ponds, Strawberry hill on Great island, High point, so called, on land of the heirs of Joseph Sherman, and Gooseberry hole.

SEC. 20. No person shall erect any weir or set or draw any seine or net for the obstructing, catching or hauling of fish, within any part of said ponds or any branch thereof, at any time from the fifteenth day of August to the fifteenth day of December in every year, commencing and ending at the rising of the sun on both of said days.

SEC. 21. No seine or net of any sort shall be used at any time within said ponds, or any branch thereof, of over one hundred fathoms long, nor any standing seine or net of over twenty-five fathoms in length.

SEC. 22. No person shall set any standing seine or net, any time within forty rods of any place within said ponds or any branch thereof where another person may have already set his standing seine or net, nor shall any person maintain any such standing seine or net in the same place for more than forty-eight hours, if any other person desires to occupy the place.

SEC. 23. Any person violating any provision of the five sections next preceding, shall be fined not less than twenty dollars nor more than fifty dollars, and shall also forfeit the boat, seine, net and other apparatus by him used in such violation, one half of said fine and forfeiture to and for the use of the person so complaining, and the other half to and for the use of the state.

SEC. 24. Any person living without the state, who shall take any lobsters, tautaug, bass or other fish, within the harbors, rivers or waters of this state, for the purpose of carrying them from thence in vessels or smacks shall be fined ten dollars for every offence, and shall forfeit all the fish or lobsters so taken.

SEC. 25. Any person who shall take any fish in any stream or fresh pond, except upon his own land, in any other way than by hook and line, shall forfeit twenty dollars for each offence.

SEC. 26. Any person who shall place any deleterious substance in any of the waters of this state, for the purpose of destroying or taking any fish therein, shall forfeit twenty dollars.

SEC. 27. Any person who shall take any pickerel between the first day of April and the first day of June in each year, or any trout between the first day of July and the first day of December in each year, shall forfeit twenty dollars.

SEC. 28. All actions for violations of the provisions of the preceding three sections shall be commenced within thirty days after the commission of the offence, and not afterwards.

SEC. 29. All forfeitures under this chapter shall, where there is no other provision made to the contrary, enure one half thereof to the use of the town where the offence shall be committed, and the other half to the use of the person suing for the same.

CHAPTER 99.

OF THE FISHERY IN PAWCATUCK RIVER.

SECTION
1. No weir, &c., to be erected in Pawcatuck river.
2. Weirs, &c., not to be erected on the flats.
3. Times of fishing.
4. Penalties incurred, how to enure.
5. Preceding provisions a compact with Connecticut.
6. Penalty on owner of land adjoining said river for permitting weir, &c., to be erected on the flats.

SECTION 1. No weir or pound or other obstructions, shall be erected or continued in the channel of Pawcatuck river, dividing the states of Rhode Island and Connecticut, so as to interfere with the main channel of said river, upon penalty of twenty dollars for the first offence, and seven dollars for every twenty hours, or any less space of time, any such weir or other obstruction shall be continued in the main channel of said river after the first offence.

SEC. 2. No weir or pound shall be erected or continued upon any flat or other part of the bottom of said river, eastward or westward of the aforesaid channel of said river, between the first day of June and the twentieth day of March, annually, upon penalty of fourteen dollars for the first offence, and seven dollars for every succeeding day such weir or pound shall be continued in said river, from the first day of June to the twentieth day of March, annually.

SEC. 3. No person shall fish with mesh or scoop nets in Pawcatuck river, or any of its branches, after sunset on Friday until sunrise on Monday in each week, from the twentieth day of March to the first day of June, annually; and no person shall use more than one net at a time, upon penalty of five dollars for every offence.

SEC. 4. All penalties incurred for violation of any of the provisions of this chapter, shall enure, one half thereof to the complainant, and the other half to the town where the offence is committed.

SEC. 5. The foregoing provisions of this chapter shall be considered as forming a compact with the state of Connecticut, from which this general assembly will not depart until the legislature of the state of Connecticut shall agree with the legislature of this state to a repeal thereof, alterations therein or additions thereto.

SEC. 6. If any owner of land adjoining Pawcatuck river in this state, shall permit any weir, pound or other obstruction to be erected or continued upon any flat or bottom of said river, whether done, erected or continued by himself, servant, lessee, or any other person, by his privity or consent, such owner shall be liable for any such breach or violation of the second section of this chapter in the same manner as though the same had been committed by such owner in person.

TITLE XVII.

Of the Inspection and Sale of certain Merchandise.

CHAPTER 100. Of the inspection of beef and pork.
CHAPTER 101. Of the inspection and survey of lumber.
CHAPTER 102. Of the inspection of lime.
CHAPTER 103. Of the inspection of fish.
CHAPTER 104. Of the inspection of hoops.
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CHAPTER 106. Of the inspection of saleratus and soda.
CHAPTER 107. Of the measure and sale of grain, salt and sea-coal.
CHAPTER 108. Of the sale of cotton.
CHAPTER 109. Of the sale of oils.
CHAPTER 110. Of the weight of neat-cattle.
CHAPTER 111. Of the sale of butter, meal, onions, potatoes, berries and cider.
CHAPTER 112. Of the sale of fire-wood and charcoal.
CHAPTER 113. Of the sale of fish for manure.

CHAPTER 100.

OF THE INSPECTION OF BEEF AND PORK.

SECTION
1. Inspector to give bond.
2. May appoint deputies for counties, who shall give bonds.
3. Answerable for deputies; may remove them.
4. County inspectors may appoint town inspectors, who shall give bonds.
5. Deputies may act though office of inspector vacant.
6. Beef and pork to be packed and inspected.
7. How beef shall be cut and put up.
8. How sorted and divided. Mess, prime and cargo beef, defined.
9. How salted.
10. Three qualities of pork, clear, mess and prime.
11. Refuse pieces, what.
12. Barrel of pork, how salted and branded.
13. Casks, how made.
14. How branded.
15. Weight of beef and pork to the barrel.
16. Penalty for sale of beef and pork without inspection.
17. Fees for inspection, and certificates.
18. Penalty for alteration of contents of cask inspected.
19. How inspectors shall proceed in pack-

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ing; penalty for use of weights not scaled.
20. Penalties to which inspectors and others are liable.
21. Fees of inspectors.
22. When inspectors may perform duties in adjoining towns.
23. Penalty on inspectors for fraud.
24. Act for inspection of beef and pork in Providence not repealed.

SECTION 1. The inspector of beef and pork shall, before entering on the duties of his office, give bond, with sufficient surety, to the general treasurer, in the penal sum of one thousand dollars for the faithful discharge thereof.

SEC. 2. He may appoint a deputy inspector in each county, who shall be sworn to the faithful discharge of his duty, and shall give bond therefor to the inspector and his successors in office, with sufficient sureties, in a penal sum not exceeding five hundred dollars.

SEC. 3. The inspector shall be answerable for the conduct of his deputies, and may remove them at his pleasure.

SEC. 4. The deputy inspector in each county may appoint in the several towns therein, such number of assistant inspectors as shall be necessary, who shall be sworn to the faithful discharge of their duties, and shall give bonds therefor, with sureties, to the deputy inspector appointing them, in a penal sum not exceeding one hundred dollars.

SEC. 5. In case of a vacancy in the office of inspector, the deputy inspectors and their assistants shall continue in office until the next annual election.

SEC. 6. No person shall sell, ship or export for sale from this state, any salted beef or pork, except in casks of the quality and dimensions hereinafter provided, nor unless the contents thereof shall be inspected and packed and the casks containing the same branded, agreeably to the directions in this chapter, unless a special contract be made respecting the same.

SEC. 7. All beef put up in casks for sale or exportation, shall be of fat cattle. It shall be cut in pieces as nearly square as may be, which shall not exceed eight pounds weight, nor be less than four pounds.

SEC. 8. All beef which the inspector, deputy inspector or assistant shall find on examination to have been killed of a proper age, to be fat and otherwise good and merchantable, shall be sorted and divided by him into three different sorts for packing into casks, to be denominated mess, prime and cargo.

Mess beef shall consist of the choicest pieces of an ox or steer well fatted, not under three years old, and weighing six hundred pounds and upwards; the shin, shoulder clod and neck shall be taken from the fore quarter, and the leg and leg round from the hind quarter; and each cask containing beef of this description shall be branded on one of the heads with the words "mess beef."

Prime beef shall consist of choice pieces of oxen, steers, cows and heifers, not under the age of three years, nor under four hun-

dred pounds weight, and to average five hundred pounds weight, without any necks or shanks; on one head of each cask containing beef of this description shall be branded the words "prime beef."

All other fat cattle of two years old and upwards, and all other parts of cattle that are not above described, which shall be packed, shall be branded on one head with the words "cargo beef."

SEC. 9. Every cask shall be well salted with seventy-five pounds of clean St. Ubes, Isle of May, Lisbon or Turks Island salt, or eighty pounds of coarse Liverpool salt, or other salt of equal quality, exclusive of pickle made of fresh water, as strong as salt will make it, for every two hundred pounds weight of beef that each cask may contain, and two ounces of saltpetre for every one hundred pounds of beef.

SEC. 10. There shall be three qualities of pork, distinguished by the name of "clear," "mess" and "prime."

Clear pork shall consist of middling pieces taken from well fatted hogs weighing not less than two hundred and fifty pounds, excluding head, neck, shoulders, legs, the chine bone, the spareribs, the lean and the blades from the back and shoulders.

Mess pork shall consist of hogs well fatted, weighing not less than two hundred pounds, excluding the head, neck, legs and shoulders.

Prime pork shall consist of hogs well fatted, of not less than one hundred pounds weight, including in each barrel three shoulders and one head and a half, not weighing more than twenty-four pounds, and excluding no part of a hog not declared refuse.

SEC. 11. The following part of every hog shall be deemed refuse, and shall not be put into any cask of pork inspected, to wit: nose pieces, ears, brains, tails, feet, lard and faces when separated from the cheek.

SEC. 12. Each barrel of pork shall be salted and pickled with the same weight of salt and the same kind of pickle as is in this chapter provided for packing and inspecting beef; and each cask, when so inspected and packed or repacked, shall be branded in the same manner as is herein prescribed for branding beef, designating the different qualities or denominations herein described.

SEC. 13. Every cask in which mess beef, or in which clear or mess pork shall be packed, shall be made of good seasoned white oak or white ash staves, and heading not less than five eighths of an inch in thickness, free from sap and every defect; to be covered three fourths of the length with good hoops, leaving one fourth in the centre; the hoops to be well set and drawn together; but casks containing prime beef and cargo beef, or prime pork, may be hooped with only twelve hoops, which shall be well secured with not less than three pins on each bulge.

SEC. 14. On the head of every cask in which beef or pork is packed, shall be branded the weight it contains, which shall be only even hundreds, with the first letter of the christian name and the surname at length of the inspector who has inspected the same,

with the name of the town where it was inspected, and "Rhode Island," in legible letters not less than three fourths of an inch long.

SEC. 15. Two hundred pounds of beef shall be considered and taken as a barrel of beef; and two hundred pounds of pork shall be considered and taken as a barrel of pork.

SEC. 16. If any person shall sell or offer for sale any salted beef or pork in casks, before it shall have been inspected and branded as aforesaid, unless there shall be a special contract in relation to the kind and quality of the article sold, he shall forfeit five dollars for each cask.

SEC. 17. For each and every certificate given by the inspector, deputy inspector or assistant, for beef or pork inspected, he shall receive ten cents, to be paid by the person calling for the inspection; and they are severally required to give such certificate whenever requested.

SEC. 18. If any person shall intermix, take out or shift any beef or pork out of any cask inspected or branded as by this chapter is required, or put in any other beef or pork for sale, contrary to the intent hereof, he shall for each and every offence forfeit twenty dollars.

SEC. 19. Whenever any inspector, surveyor or packer shall be requested to cut, pack or repack any beef or pork in any store, yard or place, other than his customary store or yard, the owner or owners of such beef or pork shall, without delay, furnish all materials and conveniences necessary to perform the same, excepting the tools of such inspector, surveyor or packer who shall not be liable to any expense for the use of the store, yard or place wherein such beef or pork shall be deposited; and in case any inspector or packer shall in the discharge of his office use any steelyards or weights which shall not have been tried and sealed according to law, he shall for each offence forfeit ten dollars.

SEC. 20. Any deputy or assistant who shall inspect or brand any cask of beef or pork out of the town or county for which he shall be appointed, shall forfeit fifty dollars; and if any person other than the said inspector, his deputy or assistant, shall stamp or brand any cask of beef or pork in manner directed by this chapter, he shall forfeit twenty dollars for each and every cask so unlawfully branded.

SEC. 21. The inspector shall have two cents for every barrel inspected by him, and the deputy in each county shall have two cents for each barrel of beef or pork inspected as aforesaid in the county whereof he shall be inspector; and each assistant inspector shall have for his services in cutting, weighing, packing, salting, pickling, heading and branding each barrel of beef or pork, twenty cents; and for performing the same exclusive of cutting, he shall receive for each barrel twelve and a half cents, to be paid by the owner thereof.

SEC. 22. Any deputy inspector shall on any special occasion, be authorized to send an assistant inspector from the town in which such assistant resides into an adjoining town, to perform the duties of his office in said town.

SEC. 23. If the inspector, or any deputy inspector or assistant, appointed by yirtue of this chapter, shall be guilty of any neglect or fraud in inspecting any beef or pork contrary to the true intent or meaning of this chapter, or shall mark with their respective brands any cask containing beef or pork which has not been actually inspected, he shall forfeit ten dollars for each and every offence.

SEC. 24. This chapter shall not be construed to repeal or to affect an act entitled An act authorizing the city of Providence to elect an inspector of beef and pork for said city, passedJ une 29th, 1833, nor the inspection of beef and pork in said city: *Provided* the inspection be conformable to this chapter.

CHAPTER 101.

OF THE INSPECTION AND SURVEY OF LUMBER.

SECTION

1. Surveyor of lumber for Providence, how and when elected; term of office.
2. Shall give bond.
3. May appoint deputies.
4. Deputies to give bond, be sworn; and be removable, when.
5. All lumber delivered in Providence to be inspected.
6. Three sorts of pine boards, &c., except soft pine; clear, merchantable and refuse.
7. Five sorts of soft pine boards, &c., No. one, No. two, No. three, No. four, and fifth sort; description of each, and how each to be marked.
8. Boards less than three fourths of an inch thick, how surveyed and measured.
9. Planks and joists, how surveyed and measured.
10. Two sorts of boards, &c., of spruce, &c., "merchantable" and "refuse;" description.
11. Two sorts of hard wood boards, &c., "merchantable" and "refuse;" description.
12. Deputies to survey ornamental wood and lumber.
13. Mahogany and cedar timber, how surveyed.
14. Ornamental wood and lumber, what "merchantable," and what "refuse."
15. Deputies to survey wood used in shipbuilding.

SECTION

16. How contents of boards, &c., to be marked.
17. Marks for "merchantable," and for "refuse."
18. How boards, &c., to be sold, and how surveys to be made.
19. Fees for surveying lumber.
20. Fees of surveyor.
21. Dealing in lumber not surveyed prohibited.
22. Exception of person importing for his own use.
23. Exception in favor of person transshiping lumber.
24. Penalty for dealing in lumber not surveyed; how recovered.
25. Penalty for defacing, &c., any surveyor's marks; how recovered.
26. Penalty for fraud in surveying.
27. Penalty on surveyor for neglecting duties.
28. When reinspection may be required.
29. Penalties for errors in original survey.
30. Compensation for reinspection.
31. Expenses of reinspection, how paid.
32. Returns of surveyor, when and how made and published.
33. Surveyors may be elected in Newport, where and how.
34. Subject to all the duties, provisions and penalties of this chapter.
35. Surveyors to keep record.
36. This chapter not applicable to any town.

SECTION 1. There shall be a surveyor of lumber for the city of Providence, who shall be well skilled in the surveying and admeasurement of lumber; he shall be elected in the month of February annually, by the city council of said city, and shall hold his office for one year and until a successor be chosen, unless sooner removed.

SEC. 2. He shall before entering upon the duties of his office give bond with two sureties to the city treasurer in the sum of two thousand dollars for the faithful discharge of his duties.

SEC. 3. Such surveyor shall have power to appoint, subject to the approval of the city council of said city, such number of deputy surveyors, not less than six, as he may judge sufficient, for whose official conduct he shall be answerable.

SEC. 4. He shall take bonds from said deputies for the faithful discharge of their duties, in the sum of five hundred dollars each, with two sureties; and they shall be sworn faithfully to perform the same; and shall be removable by the surveyor, for neglect of duty.

SEC. 5. All lumber brought by water, or imported, discharged or delivered in said city, whether on the land or into a boat or vessel, except as hereinafter provided, shall be surveyed and admeasured according to the provisions of this chapter.

SEC. 6. In the surveying of all kinds of pine boards, planks and joists, except soft pine boards, planks and joists, there shall be three sorts:—

The first sort shall be denominated "clear," and shall include boards not less than one inch thick, free from rot, knots and shakes, and square edged; and such boards as may be clear and equal in quality to clear, but may be deficient in thickness as aforesaid, shall be received as clear by making such allowance for the deficiency in thickness as may be required to make them equal to one inch thick.

The second sort shall be denominated "merchantable," and shall include boards not less than seven eighths of an inch thick, nearly free from rot and nearly square edged, and suitable for covering buildings.

The third sort shall be denominated "refuse," and shall include all boards, plank and joists not included in the other two denominations, with due allowance for rot.

SEC. 7. In the survey of soft pine boards, planks and joists, there shall be five sorts:—

The first sort shall be denominated No. one, and marked thus, I.; and shall include boards not less than one inch thick, free from rot, knots and shakes, and square edged: and such boards as may be clear, and equal in quality to clear, but may be deficient in thickness as aforesaid, shall be received as No. one, by making such allowance for the deficiency in thickness as may be required to make them equal to one inch thick.

The second sort shall be denominated No. two, and marked thus, II.; and shall include boards not less than seven eighths of an inch thick, nearly free from rot, and nearly square edged, and nearly clear from knots.

The third sort shall be denominated No. three, and marked thus, III.; and shall include boards with sound fast knots, nearly square edged, and suitable for barn and box boards and covering buildings.

The fourth sort shall be denominated No. four, and marked thus, Λ.; shall include boards worm-eaten, some tender with rot, shaked and considerable wany.

The fifth sort shall be marked thus, X.; and shall consist of the very wany, sappy and rotten.

SEC. 8. All boards less than three fourths of an inch thick shall be surveyed and measured in the same manner, as to quality, quantity and numbers, as though they were of the thickness of one inch.

SEC. 9. All planks and joists shall be surveyed as to quality and numbers the same as boards, and their contents measured and marked in board measure.

SEC. 10. In the survey of spruce, hemlock and juniper boards, plank and sawed and hewed timber, there shall be two sorts; the first sort shall be denominated "merchantable," and shall include all boards, plank, joist and timber, that are sound and square edged and well sawed; the second sort shall be denominated "refuse," and shall include all other descriptions, with due allowance for rot.

SEC. 11. In the survey of ash, maple, and other hard wood boards, plank, joists and timber, there shall be two sorts; the first sort shall be denominated "merchantable," and shall include all boards, plank, joist and timber that are sound and free from bad knots, and free from shakes and rot; the second sort shall be denominated "refuse," and shall include all other descriptions, with due allowance for rot.

SEC. 12. The surveyor shall appoint one or more deputy surveyors, whose duty shall be to survey mahogany, cedar and cherry-tree boards, plank, joist and timber, and other ornamental wood and lumber.

SEC. 13. In the survey and admeasurement of mahogany and cedar timber, there shall be allowed, if the same is sound and free from wane, two inches on one side of the square and one inch on the other side, and two inches in length; and when the timber is wider on the one side than on the other, the two inches shall be taken from the narrow side; if wany, two inches on each side of the square; and for rot and shakes there shall be such allowance made as the surveyor may deem expedient, not exceeding one half. All such timber that is worm-eaten, much rotten, badly shaked, or very wany, shall be denominated "refuse," and due allowance shall be made for rot.

SEC. 14. In the survey and admeasurement of mahogany, cedar and cherry-tree boards, planks and joist, and other ornamental wood and lumber, such as are sound and free from bad knots and shakes shall be denominated "merchantable;" all others shall be denominated "refuse," and due allowance shall be made for rot and shakes.

SEC. 15. The surveyor shall appoint one or more deputy survey-

ors, whose duty shall be to survey oak and other hard wood used in ship-building, whether brought by land or water.

SEC. 16. In the survey of all boards, plank, joists and timber, the contents of the same in board measure shall be truly marked thereon in plain and durable numbers, and all other marks, if not correct, shall be erased; and in marking the contents of any lumber, the board measure marks commonly used in marking boards shall be used and no other.

SEC. 17. The merchantable lumber shall be marked thus Λ, and the refuse lumber shall be marked , and shall be plainly and durably marked on each piece; deduction shall be made for splits not exceeding in any case one half the extent of the split.

SEC. 18. All boards, plank, joist and timber shall be received and sold according to the contents thereof, as fixed and marked under the provisions aforesaid; and all surveys shall be made under the inspection of the surveyor or by his deputies, by his directions; and application for the survey of lumber in said city shall be made by all persons requiring surveys, to the surveyor, who shall cause such surveys to be made.

SEC. 19. Fees for surveying and marking according to the provisions of this chapter shall be paid by the purchaser, and shall be as follows, viz.: — for pine, spruce, hemlock and juniper boards, plank, joist and sawed timber, twenty-five cents per thousand feet, board measure: for mahogany, cedar, cherry tree timber, boards, plank and joists, fifty cents per thousand feet, board measure: for oak and other hard wood for ship-building, twenty-five cents per ton: for ash, maple, birch, and other hard wood, forty cents per thousand feet, board measure.

SEC. 20. There shall be paid to the surveyor, of the fees aforesaid, for his own use, three cents on every thousand feet of pine, spruce, hemlock and juniper boards, plank, joist, and sawed timber, four cents on every ton of oak and other ship timber, six cents on every thousand feet, board measure, of mahogany, cedar and other ornamental lumber, ash, maple, birch and other hard wood.

SEC. 21. No person within the city of Providence shall sell, purchase or take the delivery, whether purchased without the state or within it, or for their own personal use or otherwise, any boards, plank, joist or timber brought into said city, unless the same shall be surveyed, marked and numbered, conformably to the provisions of this chapter except such as are intended to be exported beyond sea, and are shipped for the purpose of such exportation within one year after the same shall have been sold and delivered to the person first purchasing, or receiving the same in said city.

SEC. 22. Any person importing or purchasing lumber for his own private use and benefit, to be used in building on his own or leased land, upon giving a certificate to that effect to the surveyor shall not be required to have the same surveyed and measured as aforesaid; but should he dispose of it in any other manner than is provided in this section he shall be liable to the same penalties as though said certificate had not been given.

SEC. 23. Any person purchasing lumber without the state and

transshipping the same through this state to any other state, shall not be required to have the same surveyed and measured.

SEC. 24. If any person shall sell, purchase, deliver, or take the delivery of any boards, plank, joist or timber, in violation of any of the provisions of this chapter, he shall forfeit for all boards, plank, joist and timber so sold, purchased or delivered, one dollar per thousand feet, board measure, and the same for any less amount, one half thereof to the use of the state, and the other half to the use of the surveyor, who shall prosecute for all violations of this chapter that shall come to his knowledge.

SEC. 25. If any person shall wilfully cross, alter or deface any mark affixed to any lumber, by any deputy surveyor, he shall forfeit not less than five dollars, nor more than twenty dollars, to be recovered by the surveyor, and to enure as provided in the next preceding section.

SEC. 26. If any person appointed to office under this chapter, or his deputy, shall connive at any fraud or deception in surveying, marking or numbering the contents of any boards, plank, joist or timber, he shall forfeit for each offence not less than ten dollars, nor more than twenty dollars.

SEC. 27. If the surveyor or his deputies, on due notice and request, shall unreasonably neglect or refuse to perform the duties enjoined by this chapter, he shall forfeit for each offence not less than ten dollars, nor more than twenty dollars.

SEC. 28. If any person shall be dissatisfied with the survey and admeasurement of any lumber purchased or sold by him, by any deputy or deputies appointed by the surveyor, he may require the surveyor, with one or more deputies, at the option of the surveyor to reinspect the same.

SEC. 29. If, upon such reinspection an error shall be found in the survey above the amount of five dollars, the deputy who surveyed the lumber shall receive no compensation for his services; and shall be liable to the forfeiture provided in the twenty-sixth section of this chapter; and the surveyor and his deputy or deputies shall receive for their compensation twenty-five cents per thousand feet, to be paid by the purchaser.

SEC. 30. If the surveyor on the reinspection shall find the lumber correctly surveyed and measured in the first instance, he shall receive for his compensation and that of his deputy or deputies, twelve cents per thousand feet, to be paid by the complainant.

SEC. 31. The expense of overhauling lumber for the purpose of reinspection, under the foregoing provisions, shall be paid by the complainant; and in all such cases of reinspection the compensation for the surveyor and his deputy or deputies, shall be equally divided between them.

SEC. 32. It shall be the duty of the surveyor to make return to the city council of the city of Providence, on the first Monday in February annually, of all lumber surveyed by himself or his deputies; specifying the various kinds and qualities, and by whom surveyed, and the amount of all fees received by him and his deputies pursuant to this chapter. And it shall be the duty of the said city

council to cause said returns to be published in one of the newspapers published in said city.

SEC. 33. The city council of the city of Newport shall annually, in the month of February, elect one or more surveyors and measurers of boards, planks, timber, joist and scantling, removable at the pleasure of said city council, who shall each give bond, with two sureties, in the sum of one thousand dollars, to the city treasurer, for the faithful discharge of the duties of said office.

SEC. 34. Every surveyor and measurer of boards, planks, timber, joist and scantling, appointed by the town council of any town, or by the city council of the city of Newport, shall be subject to all the duties, provisions and penalties contained in this chapter.

SEC. 35. Each surveyor and measurer shall keep a true and faithful record of all surveys of lumber made by him, together with all figures made by him in taking an account of the same, and said record shall be open to the inspection of all persons.

SEC. 36. This chapter shall not be construed as requiring the survey or admeasurement of any lumber made in any town in this state.

CHAPTER 102.

OF THE INSPECTION OF LIME.

SECTION
1. Dimensions of lime casks.
2. Qualities of lime, how to be designated and branded.
3. Inspector may appoint deputies.
4. Duties of inspector.
5. Fees of inspector.
6. Penalty for selling casks of lime not branded.
7. Penalty for branding lime falsely.
8. Penalty for counterfeiting brand, and for refilling cask without erasing brand.

SECTION 1. All stone lime which shall be burnt in this state, shall be offered or exposed to sale in casks of the following dimensions, to wit: each cask shall be twenty-seven inches and three quarters of an inch in length between the heads, and the heads eighteen inches in diameter, and of sufficient bulge to contain thirty-six gallons, and hooped with not less than eight good hoops; and each cask shall be well filled with lime.

SEC. 2. The various qualities of lime shall be designated by the following names, viz.: "jointa," "first quality," "second quality," "refuse;" and shall also be designated with the names of the present owners of the ledges of rock from which the same shall be burnt; and be so branded that the name of the owner of the ledge and the quality of the lime shall form one brand, and be made by one impression; which brand shall be used by the inspector or his deputies only. Each cask shall also be branded with the word

"inspected," and with the initials of the name of the person branding the same.

SEC. 3. The inspector of lime may appoint one or more deputies, who shall be sworn to the faithful discharge of the duties of their office.

SEC. 4. It shall be the duty of the inspector and of his deputies to see that the casks are of lawfull size and properly filled and branded, as herein provided.

SEC. 5. The burner of lime shall pay the inspector or his deputy for inspecting and branding, filling not included, the sum of two cents for each and every cask he may inspect, and for filling the same, two cents in addition.

SEC. 6. Any person who shall offer for sale in, or export from, this state, any cask of stone lime burnt therein which shall not have been branded as required by this chapter, shall forfeit ten dollars.

SEC. 7. Any inspector or deputy inspector who shall brand any lime cask contrary to the provisions of this chapter, shall forfeit five dollars for each cask so branded.

SEC. 8. Any person who shall counterfeit the brand of any inspector or deputy inspector appointed as aforesaid, or shall imprint any cask of lime with his brand, without his consent first had and obtained in writing, or shall fill any cask a second time which has before been filled and branded, without first causing the former brand to be cut out, shall forfeit one hundred dollars for every cask so branded or so filled.

CHAPTER 103.

OF THE INSPECTION OF FISH.

SECTION

1. Duties of packers of fish.
2. Packers to give bond.
3. Casks to contain only one kind of fish.
4. Dimensions of casks; how filled.
5. Casks, how to be branded.
6. Numbers to denote quality of fish.
7. Fish brought from other states, excepted from provisions of this chapter.
8. Penalty for sale of fish not approved and branded.
9. Penalty for altering contents of branded cask or imitating brand.
10. Penalty for fraud.
11. Fees of packers of fish.

SECTION 1. In every town in which pickled fish are packed up for sale or exportation from this state, the packers of such town shall see that the same have been properly pickled; that they are properly repacked in casks, in good shipping order, with good salt, sufficient in each cask to preserve such fish from damage to any foreign port.

SEC. 2. Every packer shall give bond to the town treasurer of the town in which he shall be appointed, in the sum of one thou-

sand dollars, with sufficient surety or sureties, to the satisfaction of such town treasurer, for the faithful performance of the duties of his office.

SEC. 3. Pickled fish, whether codfish, mackerel, menhaden, herrings or other fish, shall be sorted, and one kind only be put into one cask.

SEC. 4. Each cask shall be well seasoned, and bound with twelve hoops; those for menhaden and herrings of the capacity to hold twenty-eight gallons; and those for other fish of the capacity, if a barrel, to hold two hundred pounds, and if a half barrel, one hundred pounds weight of fish; each cask to be full, and the fish sound and well cured.

SEC. 5. Each cask being first searched, examined and approved by a packer, shall, when packed or repacked for exportation, be branded legibly on one head with the kind of fish it contains, and the weight thereof; or the capacity of the cask, with the first letter of the Christian and the whole of the surname of the packer, with the name of the town, and with the word "Rhode Island," in letters not less than three fourths of an inch long, to denote that the same is merchantable and in good order for exportation.

SEC. 6. Each cask of pickled codfish and mackerel offered for sale or for exportation from this state, shall also be branded No. 1., No. 2., or No. 3., to denote the quality of such fish.

SEC. 7. Nothing in this chapter contained, shall hinder any fisherman or owners of fish coming to this state from their fishing trips, from selling or reshipping their fish to any other of the United States, without being packed into barrels or half barrels.

SEC. 8. Any person who shall offer for sale in or attempt to export from this state any pickled fish which have not been approved by a sworn packer, or in casks which are not branded as aforesaid, shall forfeit ten dollars for each offence.

SEC. 9. Any person who shall shift any fish from any cask after the same has been branded by the packer, and shall offer to sell or export the same from this state, or shall brand any cask into which the same shall be shifted, or shall brand any cask with the branding-iron of a packer, or with any iron made in imitation thereof, shall forfeit not less than thirty dollars, nor more than one hundred and sixty dollars for each offence.

SEC. 10. Any packer who shall be guilty of any fraud or neglect in packing any fish contrary to this chapter, or shall brand any cask not thoroughly examined according to the provisions thereof, shall forfeit sixteen dollars for each offence.

SEC. 11. The packers of fish shall be paid for opening, assorting, inspecting, weighing, pickling, packing or repacking, heading up, nailing and giving a certificate, if pickled codfish or mackerel, twenty cents for every barrel, and fifteen cents for every half barrel by the owner thereof: *Provided*, that for all pickled codfish or mackerel which have been inspected in some one of the United States, and which shall not in the judgment of the packer require repacking, the said owner shall pay to the packer eight cents only, for unheading, inspecting, reheading, branding, nailing and giving

a certificate thereof; and for all other except codfish and mackerel, the owner thereof shall pay the packer twelve and a half cents for every cask.

CHAPTER 104.

OF THE INSPECTION OF HOOPS.

SECTION
1. Length of hoops.
2. Duties of viewers of hoops.
3. Hoops deficient in length, how disposed of.
4. Hoops, how put up; penalty for fraud.
5. Penalty for shipping hoops not surveyed; how recovered.
6. Fees of viewers of hoops.

SECTION 1. All hoops made or brought into any town in this state and offered for sale as hogshead hoops, shall be at least one half thereof eleven feet and a half in length, and the other half not less than ten feet in length; and all those offered for barrel hoops shall hold out one with another at least seven feet and a half in length, and be of such size and substance as shall be sufficient for locking at the small end, and be otherwise suitable for immediate working.

SEC. 2. It shall be the duty of viewers of hoops to view all hoops that may be offered for sale in or exported from this state.

SEC. 3. Whenever they shall view and find any hoops so offered for sale or to be exported fall short in the length aforesaid, or not of such size and substance as by this chapter is required, such hoops shall be condemned and sold at auction by the officer who shall view the same, within twenty-four hours after giving notice to the owner thereof: and one quarter part of the money arising from the sale shall be applied to the use of the town where they shall be sold, and the remainder, after paying unto the viewer of such hoops his fees, shall be returned to the owner.

SEC. 4. All hoops shall be put up in bundles, to contain twenty-five each, and be sold by net hundreds: when the officer viewing shall find any fraud in the bundles by their not containing the full number, every such bundle shall be condemned as forfeited, to be sold by the viewer in manner aforesaid; the money, after paying the viewer his fees, shall be by him lodged in the town treasury of the town where they are sold for the use of the town.

SEC. 5. Any person who shall ship for exportation out of this state any hoops which have not been duly surveyed and allowed to be merchantable agreeably to this chapter, shall forfeit four dollars for every thousand so shipped; to be recovered by any viewer of hoops in the town where they shall be so shipped, one half to the use of the state, and the other half to the use of the viewer who shall sue for the same.

SEC. 6. Viewers of hoops shall receive at and after the rate of twenty-five cents for every thousand they shall view and examine; and if the hoops shall be adjudged good and merchantable, the buyer shall pay the same.

CHAPTER 105.

OF THE INSPECTION OF SCYTHE STONES.

SECTION
1. Scythe stones to be inspected and branded.
2. Inspector to give bond.
3. May appoint deputies.
4. Scythe stones, how sorted and numbered.
5. How packed and branded.
6. Fees of inspector.
7. Penalty for exporting without inspection.
8. Penalty on inspector for false brand.
9. Penalty for counterfeiting brand, &c.

SECTION 1. No person shall ship, sell or export from this state, any scythe stones in any quantity exceeding ten dozen, except in boxes of suitable size, which have been inspected and branded agreeably to the provisions of this chapter.

SEC. 2. The inspector of scythe stones shall, before entering upon the duties of his office, give bond, with sufficient sureties, to the general treasurer, in the penal sum of five hundred dollars for the faithful discharge thereof.

SEC. 3. He may appoint one or more deputies, for whose acts he shall be responsible, and who shall be sworn to the faithful discharge of the duties of their office, and shall give bond to him therefor with sufficient sureties in the penal sum of three hundred dollars.

SEC. 4. All scythe stones, when the quantity exceeds ten dozen, shall be sorted or divided by the inspectors, or one of his deputies, into three different sorts, to be denominated No. 1, No. 2, No. 3.

No. 1 shall consist of the best quality, and none less than nine inches in length.

No. 2 shall consist of the best quality of those less than nine inches in length, and the second quality more than nine inches in length.

No. 3 to consist of other qualities and sizes, but none except such as are merchantable.

SEC. 5. Such stones shall be packed by the officer inspecting them, in boxes, which shall be branded by him with the initials of his name, with the word "inspected," and with No. 1, No. 2, No. 3, as the case may be, designating the quality of the same.

SEC. 6. The manufacturer of scythe stones shall pay the inspector or his deputy, for inspecting, packing and branding, the sum of ten cents for each and every box containing not more than

twenty-five dozen which he may inspect, and twelve cents for each and every box containing more than twenty-five dozen.

SEC. 7. Any person who shall sell or offer for sale, or shall export or attempt to export at any one time, more than ten dozen of scythe stones before the same shall have been inspected, boxed up and branded as aforesaid, shall forfeit twenty dollars for each offence.

SEC. 8. Any inspector, or deputy inspector, who shall brand any scythe stones contrary to the provisions of this chapter, shall forfeit five dollars for each box by him so branded.

SEC. 9. Any person who shall counterfeit the brand of any inspector or deputy inspector, or shall imprint any box of scythe stones with any inspector's or deputy inspector's brand without his consent, or shall fill any box which has before been filled and branded, without first causing the former brand to be cut out, shall forfeit twenty dollars for each offence.

CHAPTER 106.

OF THE INSPECTION OF SALERATUS AND SODA.

SECTION
1. Inspectors, how appointed.
2. Duties of inspectors.
3. Same subject.
4. Penalty for selling impure article.

SECTION 1. The city council of Providence shall, and the town councils of the several towns may, appoint an inspector of saleratus and bicarbonate of soda, for said city and towns respectively.

SEC. 2. The inspectors shall, whenever requested, test such article as shall be presented to them for inspection, and shall give his certificate to any person applying therefor, whether said article be impure or adulterated; and for every such certificate he shall be entitled to the sum of two dollars.

SEC. 3. The inspectors shall, whenever requested, make an analysis of any such article as may be presented to them for that purpose, and shall give his certificate to any person who shall apply therefor, of the result of such analysis, for which certificate he shall be entitled to the sum of ten dollars.

SEC. 4. Any person who shall sell saleratus or the bicarbonate of soda, which has been adulterated, and thereby rendered an impure article, shall forfeit not less than five dollars, nor more than ten dollars for each offence; together with the costs of testing and analyzing such impure article; one half of said penalty to the use of the city or town where such sale shall be made, and the other half thereof, together with the cost of testing and analyzing such impure article, to the use of the person who shall sue for the same.

CHAPTER 107.

OF THE MEASURE AND SALE OF GRAIN, SALT AND SEA-COAL.

SECTION
1. Measurers in certain towns, how appointed.
2. May appoint deputies and employ assistants.
3. Their duties.
4. Their compensation.
5. Duties and fees in certain cases.
6. Penalty for selling grain, &c., without measurement and certificate.
7. Penalty on measurer for neglect of duty.
8. Of sales at custom-house measure.

SECTION 1. The towns of Newport, Bristol, Warren, Warwick, East Greenwich, North Kingstown and North Providence shall, and any other towns may, at any annual meeting for the choice of town officers, elect in each of said towns respectively not exceeding two persons, to be measurers of grain, salt, shorts and sea-coal. The city council of the city of Providence, at the time of the election of city officers, shall elect at least two such measurers for said city.

SEC. 2. Such measurers may appoint as many deputy measurers, and employ as many assistants as they may deem expedient, who shall be engaged to the faithful performance of their duties.

SEC. 3. The measurers shall measure or cause to be measured in their presence, and shall certify the measure of all corn, rye, oats, barley and other grain, and all shorts, salt and sea-coal, imported into such town from without the limits of this state that shall be sold and delivered from any vessel or water craft in said town, in any quantity exceeding twenty-five bushels at one sale, to one person or company.

SEC. 4. The measurers shall receive as compensation, for every bushel of grain, shorts, salt or sea-coal aforesaid, by them measured and certified, where the same shall exceed one hundred and fifty bushels, one half of one cent per bushel, and for any quantity less than one hundred and fifty bushels, one cent per bushel; to be paid by the vender upon the tender of the certificate of the measurers; the vender charging one half of the same to the purchaser, unless otherwise by them agreed; but no measurer shall be entitled to receive more than one half of one cent per bushel for measuring, when the quantity shall exceed one hundred and fifty bushels, delivered from the same vessel.

SEC. 5. The measurers or their deputies shall measure and certify as aforesaid, in all cases of sale and delivery of said articles in the towns where they are appointed, in quantity aforesaid, from any store or other places of selling in said towns, whenever a dispute shall arise between the seller and purchaser, if called on for that purpose by either party; for which duty they shall receive the same compensation, and payable in like manner as herein before provided.

SEC. 6. Every person who shall sell and deliver from any vessel or water craft in said towns, any such grain, shorts, salt or sea-coal, in a quantity exceeding twenty-five bushels, at one sale and delivery, without having the same duly measured and certified as aforesaid by one of the said measurers, or shall refuse to permit a measurer or deputy to measure such articles when sold from any water craft, shall forfeit fifty dollars for each offence; one half thereof to the use of the person who shall sue for the same, and the other half to the use of the town where the offence shall be committed.

SEC. 7. Any measurer or any deputy measurer who shall, after being duly requested to perform any of the duties prescribed by this chapter, and after tender of his fees therefor, refuse or neglect so to do, shall forfeit ten dollars for each offence; one half thereof to the person who shall sue therefor, and the other half to the use of said town where such neglect occurred.

SEC. 8. Nothing in this chapter shall be construed to apply to or affect the sale, delivery or measuring of any of the articles aforesaid, in the sale whereof it shall have been contracted by the seller and purchaser, that the same shall be sold and delivered at custom-house measure; the same being measured under the inspection of a custom-house inspector; or to the sale of grain where the contract is that it shall be delivered by weight.

CHAPTER 108.

OF THE SALE OF COTTON.

SECTION
1. Weighers of cotton, how appointed.
2. Shall weigh all cotton sold, unless special contract otherwise.
SECTION
3. Duties of such weighers.
4. Their fees.

SECTION 1. The city council of the cities of Providence and Newport and the electors of the several towns, may annually elect a sufficient number of weighers of cotton.

SEC. 2. All cotton sold in this state, unless otherwise specially agreed, shall be weighed by the weighers so chosen.

SEC. 3. Said weighers shall carefully and correctly weigh, and record in a book to be kept for that purpose, the weight of each bale of cotton, with the marks and numbers of the bales, and shall mark upon every bale in plain figures the weight of the same, and shall make a certificate of each lot of cotton, which certificate shall specify the marks, numbers and weight of each bale.

SEC. 4. Such certificate shall be given to the seller of the cotton, and the weigher shall be paid for weighing and marking the same, on the delivery of the certificate, eight cents per bale; and for every duplicate certificate of not exceeding one hundred bales, fifty cents, and fifty cents for every additional hundred bales.

CHAPTER 109.

OF THE SALE OF OILS.

SECTION
1. Descriptions of oils.
2. Whale oil, what; proportions of adulteration to be disclosed.
3. Penalty for sale without such disclosure.
4. Tight-pressed oil, what; disclosure of mixture to be made; penalty for not making it.
5. Test of pure spermaceti oil.

SECTION 1. All descriptions of oils sold under the names of sperm, spermaceti, lamp, summer, fall, winter and second winter oils, shall be deemed pure winter pressed, or summer strained spermaceti oil.

SEC. 2. All oils sold under the names aforesaid, which are adulterated with whale, lard, or any other oil of less value than pure spermaceti oil, shall be deemed whale oil; and the vender shall be liable to the purchaser for double the amount of the difference in value between pure spermaceti oil and whale oil, when the quantity sold exceeds five gallons, and four times the difference, when said quantity is less than five gallons, unless the proportions of the respective oils are disclosed to the purchaser at the time of sale.

SEC. 3. Any person who shall sell any oil or oils commonly known under the names of sperm, spermaceti, lamp, summer, fall, winter, and second winter oils, which have been adulterated from pure spermaceti oil by a mixture of whale, lard or any other inferior oil, and shall not disclose to the purchaser the proportions of the oils of which it consists at the time of sale, in the manner prescribed in the preceding section, shall for each offence forfeit twenty-five dollars to the use of the person suing for the same.

SEC. 4. All oils sold under any of the names mentioned in the preceding section, which shall have been mixed with tight-pressed oil, shall be deemed tight-pressed oil; and the vender thereof, or of tight-pressed oil under any of the names aforesaid, shall be liable to the purchaser thereof for double the value of the difference between the first quality of spermaceti oil and tight-pressed oil, unless at the time of sale the vender shall disclose to the purchaser the mixture aforesaid, and if not mixed, its quality; and if such disclosure shall not be made as aforesaid, the venders shall forfeit twenty-five dollars to the use of the person suing for the same.

SEC. 5. The test of pure spermaceti oil shall be the Harris oleometer.

CHAPTER 110.

OF THE WEIGHT OF NEAT-CATTLE.

SECTION
1. Weighable parts of neat-cattle.
2. Penalty for not weighing and accounting for those parts.
3. Duties of town weighers.
4. Their fees.

SECTION 1. The following parts of all neat-cattle purchased by the hundred weight or slaughtered by any person, such person having contracted to account for the same to the owner or seller of the same, shall be denominated weighable, viz.: the whole of the several four quarters, the hide, horns and tallow.

SEC. 2. Any person slaughtering or weighing any neat-cattle, and being obliged to account for the same to the owner or seller thereof as aforesaid, who shall not weigh and account for all those parts of such cattle denominated weighable as aforesaid, shall forfeit for every offence twenty dollars.

SEC. 3. The town weighers of neat-cattle shall weigh all parts of said cattle made weighable by the first section of this chapter, deducting therefrom for green weight not more than two pounds for every hundred pounds of the weight thereof.

SEC. 4. The fees of such weigher shall be twenty-five cents per head for all cattle weighed; one half part of which shall be paid by the seller, and the other by the buyer thereof.

CHAPTER 111.

OF THE SALE OF BUTTER, MEAL, ONIONS, POTATOES, BERRIES AND CIDER.

SECTION
1. How butter tubs to be branded.
2. Sale of, without brand, prohibited.
3. Penalty for sale without brand.
4. Weight of bushel of meal; penalty for selling short weight.
5. Weight of bushel of potatoes.
6. Weight of bushel of onions and other roots.
7. Cranberries, how measured.
8. Size of cask of cider.

SECTION 1. Every person who shall make or bring into this state any butter firkins or tubs, shall brand or mark each one of the same with the weight thereof, and with the initial letters of his name, in a plain and durable manner, before he offers the same for sale.

SEC. 2. No person shall offer for sale any butter by the firkin or

tub, unless each tub and firkin shall be branded or marked as aforesaid.

SEC. 3. Every person who shall offer for sale any butter firkin or tub before the same shall be marked or branded as required in the first section of this chapter, or any butter by the firkin or tub, in any firkin or tub not marked or branded as aforesaid, or in any firkin or tub which shall weigh more than the mark or brand on it, allowing two pounds additional for the brine absorbed by the same, shall forfeit five dollars, unless there shall be a special contract in relation to the kind, quantity and quality of the article sold.

SEC. 4. In the sale of Indian meal or rye meal by weight, the same shall be estimated at and after the rate of fifty pounds to the bushel. If any person shall sell a less number of pounds for a bushel, he shall forfeit ten dollars.

SEC. 5. In the sale of potatoes by weight, the same shall be estimated at and after the rate of sixty pounds per bushel.

SEC. 6. In the sale of onions and of all other root crops by weight, the same shall be estimated at and after the rate of fifty pounds per bushel.

SEC. 7. Cranberries and all other berries hereafter sold, shall be measured by the strike or level measure — that is, in the same manner as flaxseed and other similar articles are measured.

SEC. 8. If any cider or cider beer be exposed to sale in any cask containing less than thirty-one and a half gallons, the same, together with the cask, shall be forfeited.

CHAPTER 112.

OF THE SALE OF FIREWOOD AND CHARCOAL.

SECTION
1. Size of cord of firewood.
2. Fees of corders of wood.
3. Penalty for sale of firewood in certain cases.
4. Size of charcoal baskets.
5. Baskets to be sealed.
6. Penalty for using baskets of other dimensions, or not sealed.
7. Persons to be appointed to seize unlawful baskets, and to prosecute owners.
8. Penalty for sealing basket of unlawful size.
9. Forfeitures, how recovered.

SECTION 1. All firewood offered for sale by the cord shall measure in quantity equal to a cord of eight feet in length, four feet in width and four feet in height, including one half of the kerf, and be well stowed and closely laid together.

SEC. 2. Every person chosen by a town to be a corder of wood shall receive for cording and measuring, not exceeding twelve cents per cord, to be paid by the purchaser of such wood.

SEC. 3. If any person shall sell any firewood by the cord in any

quantity not well stowed and closely laid together, or shall fraudulently and falsely represent any quantity of firewood by him offered for sale to be a greater quantity, or shall sell the same for a greater quantity, than the same shall actually measure, or shall otherwise commit any fraud in the sale thereof, he shall forfeit five dollars.

SEC. 4. All baskets used in measuring charcoal brought into any town for sale shall be of the following dimensions, to wit: nineteen inches in breadth in every part thereof, and seventeen and one half inches deep, measuring from the highest part of the bottom of the basket perpendicularly to a level with the top of the basket.

SEC. 5. Every basket shall be sealed by the sealer of weights and measures of the town where the person so using the same shall usually reside, or of the town where such coal shall be so measured for sale, and shall also be well heaped.

SEC. 6. Every person who shall measure charcoal offered for sale in any basket of other dimensions than as aforesaid, or not sealed as aforesaid, shall forfeit not less than one dollar nor more than twenty dollars.

SEC. 7. The town councils in the several towns may appoint, as occasion may require, some suitable person or persons to seize and secure within their respective towns all baskets used for measuring coal that shall not be of the dimensions aforesaid and sealed as aforesaid, and may prosecute every person who shall be guilty of any violation of any of the provisions of this chapter; but no person shall be obliged to measure charcoal where the quantity shall be agreed upon by the buyer and seller.

SEC. 8. Any sealer of weights and measures who shall seal any basket not being of the lawful dimensions, shall forfeit five dollars.

SEC. 9. Any forfeiture accruing under the provisions of this chapter may be recovered by an action of debt or by complaint and warrant.

CHAPTER 113.

OF THE SALE OF FISH FOR MANURE.

SECTION		SECTION	
1.	Size of barrel, &c.; barrel to be sealed.	3.	Penalty for measuring in barrel not sealed.
2.	Penalty for sealing falsely.		

SECTION 1. When fish are sold by measure for manure, they shall be measured in a barrel or half barrel; the barrel containing twenty-eight gallons, and the half barrel fourteen gallons; which shall be sealed by a sealer of weights and measures.

SEC. 2. If any sealer of weights and measures shall seal any

barrel or half barrel which shall contain a less quantity than prescribed in the next preceding section, he shall forfeit fifty dollars.

SEC. 3. If any person shall measure any fish sold by measure in any barrel or half barrel not sealed according to the provisions of this chapter, he shall forfeit ten dollars for each offence.

TITLE XVIII.

Of the Regulations of Trade.

CHAPTER 114. Of partners and joint debtors.
CHAPTER 115. Of limited partnerships.
CHAPTER 116. Of principals and agents or factors.
CHAPTER 117. Of auctioneers.
CHAPTER 118. Of expressmen.
CHAPTER 119. Of hawkers and peddlers.
CHAPTER 120. Of petty chapmen.
CHAPTER 121. Of legal interest.
CHAPTER 122. Of bills of exchange and promissory notes.
CHAPTER 123. Of weights and measures.
CHAPTER 124. Of gauging.

CHAPTER 114.

OF PARTNERS AND JOINT DEBTORS.

SECTION
1. Copartner may make separate composition with creditors, when.
2. Effect of such composition.
3. Same subject.
4. Evidence of such composition.
5. Effect of such composition on other copartners and their creditors.
6. Rights of other copartners to call on partner compromising for contribution.
7. Provisions to extend to joint debtors.

SECTION 1. Whenever any copartnership shall be dissolved, it shall be lawful for any individual who was embraced in such copartnership, to make a separate composition or compromise with any one or all of the creditors of such copartnership.

SEC. 2. Such composition or compromise shall be a full and

effectual discharge to the debtor making the same, of the whole of said debt, and be taken and considered in reference to the other copartners as actual payment of such debtor's proportion of the debt, whether the full amount of his proportion of said debt be actually paid or not.

SEC. 3. In case an amount exceeding his proportion be actually paid, it shall be taken and considered as payment of the amount of debt actually paid.

SEC. 4. Every such debtor making a composition or compromise shall take from the creditor with whom he may make the same, a note or memorandum in writing, exonerating him from all individual liability, incurred by reason of such connection with such copartnership; which note or memorandum may be given in evidence by such debtor under the general issue in bar of such creditor's right of recovery against him.

SEC. 5. Such composition or compromise shall not be so construed as to discharge the other copartners, except as provided in the second and third sections of this chapter; nor shall it impair the right of the creditor to proceed at law or in equity against the members of such copartnership who have not been discharged; and the members of the copartnership so proceeded against shall be permitted to set off any demand against said creditor which could have been set off, had said suit been against all the individuals composing said firm; and they may avail themselves of any defence in law or equity that would have been available had not this chapter been passed: except that they shall not set up the discharge of one individual as a discharge of all the other copartners, unless it shall appear that all were intended to be discharged.

SEC. 6. Such composition or compromise shall in nowise affect the right of the other copartners, or any of them, to call on the individual making such compromise for any sum beyond said individual's original proportion of said debt, if in consequence of the insolvency, inability to pay, or absconding of any one of said copartners, such individual so compromising should become liable to pay more than his proportion of said debt, either in law or equity.

SEC. 7. The above provisions in reference to copartners shall extend to joint debtors, who are hereby authorized, individually to compound or compromise for their joint indebtedness, with the like effect to creditors and to joint debtors of the individual so compromising, as is above provided in reference to copartners.

CHAPTER 115.

OF LIMITED PARTNERSHIPS.

SECTION
1. For what purposes limited partnerships may be formed.
SECTION
2. General and special partners; liability of each.

SECTION
3. Certificate of firm, names of partners, capital, nature of business, and duration, to be signed.
4. Certificate, how executed and recorded.
5. Certificate to be published.
6. Proceedings on renewal for further term.
7. Liability for false statement in certificate.
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9. Limit of dividends and withdrawal of capital.
10. Provisions of general assignment of property to be valid.
11. Claim of special partner in case of insolvency.
12. Suits, how prosecuted.
13. Limited partnership, how dissolved.
14. Rights and liabilities in cases not provided for.

SECTION 1. Limited partnerships for the transaction of mercantile, mechanical or manufacturing business within this state, may be formed by two or more persons upon the terms and subject to the conditions and liabilities herein prescribed; but nothing herein contained shall authorize any such partnership for the purpose of banking or insurance.

SEC. 2. Such partnerships may consist of one or more persons who shall be called general partners, and shall be jointly and severally responsible as general partners now are by law; and of one or more persons who shall contribute to the common stock a specific sum in actual cash payment as capital, and who shall be called special partners, and shall not be personally liable for any debts of the partnership, except in the cases herein after mentioned.

SEC. 3. The persons forming any such partnership shall make and severally sign a certificate which shall set forth: —

1. The name or firm under which the partnership is to be conducted;

2. The names and respective places of residence of all the general and special partners, distinguishing who are general and who are special partners;

3. The amount of capital which each special partner has contributed to the common stock;

4. The general nature of the business to be transacted;

5. The time when the partnership is to commence; and when it is to terminate.

SEC. 4. No such partnership shall be deemed to have been formed until a certificate so made and signed shall be acknowledged by all the parties before some justice of the peace or public notary, and filed in the office of the clerk of the town in which the principal place of business of the partnership is situated, and recorded by such clerk in a book to be kept for that purpose. If the partnership shall have places of business situated in different towns, the certificate shall be filed and recorded in like manner in the office of the clerk of every such town.

SEC. 5. The partners shall publish a copy of the certificate for six successive weeks, immediately after the registry thereof, in at least two newspapers printed within this state; and in case such publication be not made, the partnership shall be deemed general.

SEC. 6. Upon any renewal or continuation of a limited partnership, beyond the time originally fixed for its duration, a certificate

thereof shall be made, acknowledged, filed, recorded and published in the like manner as is herein provided for its original formation; otherwise the renewal or continued partnership shall be deemed a general partnership.

SEC. 7. If any false statement be made in any certificate herein required, all the persons interested in the partnership shall be liable as general partners for all the engagements thereof.

SEC. 8. The business of the partnership shall be conducted under a firm in which the names of the general partners only shall be inserted, without the addition of the word "company" or any other general term, and the general partners only shall transact the business; and if the name of any special partner shall be used in the firm with his consent or privity, or if he shall personally make any contract respecting the concerns of the partnership with any person except the general partners, he shall be deemed and treated as a general partner.

SEC. 9. During the continuance of any partnership under the provisions of this chapter no part of the capital stock thereof shall be withdrawn, nor any division of the interest or profits be made so as to reduce such capital stock below the sum stated in the certificate before mentioned; and if at any time during the continuance or at the termination of the partnership, the property or assets shall not be sufficient to pay the partnership debts, then the special partners shall severally be held responsible for all sums by them in any way received, withdrawn or divided, with interest thereon from the time when they were so withdrawn respectively.

SEC. 10. No general assignment by any limited partnership in case of insolvency, or where the goods and estate of the partnership are insufficient for the payment of all the debts thereof, shall be valid, unless it shall provide for a distribution of the partnership property among all the creditors, in proportion to the amount of their several legal claims, excepting the claims of the government of the United States, arising from bonds for duties which are first to be paid or secured.

SEC. 11. In case of the insolvency of any limited partnership, no special partner shall, under any circumstances, be allowed to claim as a creditor until the legal claims of all the other creditors of the partnership shall be satisfied.

SEC. 12. All suits respecting the business of such partnership shall be prosecuted by and against the general partners only; except in those cases in which provision is herein made that the special partners shall be deemed general partners and special partnerships shall be deemed general partnerships, in which cases all the partners deemed general partners may join or be joined in such suits; and excepting also those cases where special partners shall be held severally responsible on account of any sums by them received or withdrawn from the common stock, as before provided.

SEC. 13. No dissolution of a limited partnership shall take place, except by operation of law, before the time specified in the certificate before mentioned, unless a notice of such dissolution shall be recorded in the clerk's office wherein the original certificate or the

certificate of renewal or continuation of the partnership was recorded, and in every other clerk's office where a copy of such certificate was recorded; and unless such notice shall also be published for six successive weeks in at least two newspapers printed within this state.

SEC. 14. In all cases not otherwise provided for, the members of limited partnerships shall be subject to all the liabilities and entitled to all the rights of general partners.

CHAPTER 116.

OF PRINCIPALS AND AGENTS OR FACTORS.

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1. Of the lien of consignee for advances.
2. Of qualified ownership of goods for certain purposes and in hands of certain persons.
3. Certain bailees prohibited from selling or pledging goods.
4. Purchases and sales by agents valid, when.
5. Right of owner to recover goods from consignee, &c., price from purchaser; and goods pledged or their proceeds.

SECTION 1. The consignee of merchandise shipped, shall have a lien thereon for any money or negotiable security, by him advanced upon the faith of such shipment to, or for the use of, the person in whose name the shipment shall have been made, in the same manner, and to the same extent as if such person were the true owner thereof; provided, at the time of the advance, the consignee shall have had no notice or knowledge that the shipper was not the true owner of such merchandise.

SEC. 2. Any person intrusted with, and in the possession of goods, for the purpose of sale, or of any bill of lading, receipt or certificate of a warehouse keeper or inspector, or of any warrant or order for the delivery of goods, shall be deemed the true owner of the goods so by him possessed, or described in either of said instruments, in favor of the purchaser or pledgee of such goods, for money or negotiable security, provided, that such purchaser or pledgee, at the time of payment or advance as aforesaid, shall have had no notice or knowledge that the possessor of such goods or instrument was not the true owner of such goods by him possessed, or in such instrument described.

SEC. 3. Nothing in the preceding section shall be construed to authorize a common carrier, warehouse keeper, or other person, to whom merchandise or other property may have been committed for transportation or storage only, to sell or pledge the same; nor shall any person taking in deposit or pledge merchandise, or goods described in either of the instruments therein mentioned, from any agent for sale, warehouse keeper, or inspector, for an antecedent debt, be entitled to any greater interest in such goods or instru-

ment, than was possessed by such agent, warehouse keeper, or inspector, at the time of such deposit or pledge.

SEC. 4. All purchases, and contracts for the purchase of goods made with, and all payments for goods made to, any agent intrusted therewith, or with or to the consignee thereof, in the ordinary course of business, shall bind the owner of such goods in favor of the purchaser, contractor or payee, though knowing of the agency or consignment; provided he had, at the time of such purchase, contract or payment, no notice or knowledge that such agent or consignee was not authorized to sell or receive payment for such goods.

SEC. 5. Nothing in this chapter contained shall be construed to prevent the true owner of any goods shipped, intrusted, deposited or pledged as herein before described, from demanding the same from his factor, agent or consignee, before the same shall have been so sold, contracted to be sold, deposited or pledged; nor to prevent such owner from demanding and receiving from any such purchaser, the sum agreed to be paid for the purchase of such goods, subject to any right of set-off on the part of such purchaser against such agent or factor; nor to prevent any such owner from demanding and recovering such goods from any person with whom the same may have been so deposited or pledged as a security for any money or other property advanced, or any negotiable security or obligation in writing given as aforesaid, upon repayment of such money, or restoration of such other property, and satisfaction of such security or obligation in writing so advanced, together with such further sum as shall, with the amount so advanced by such depositary or pledgee, be equal to the money or other property and security or obligation in writing, if any, advanced by such agent or factor to such owner, or to the amount for which such agent or factor has a lien on the same goods; nor to prevent such owner from recovering from such depositary or pledgee, any balance or sum of money remaining in his hands as the produce of the sale of such goods, after deducting thereout the amount of the money or other property or security in writing so advanced; and the amount so set off and retained by such purchaser or paid by such owner on redeeming such goods, or in any manner allowed by him on recovering the same or the produce of the sale thereof, shall be deemed and taken as so much paid by him to and for the use of such agent or factor.

CHAPTER 117.

OF AUCTIONEERS.

SECTION
1. Town council may appoint auctioneers; their term of office.
2. They shall give bond; its condition.
3. Town treasurer to transmit names to general treasurer under penalty.
4. How bond to be sued.
5. Judgment on, how rendered, and execution thereon.
6. Proceedings on scire facias; proceedings when general treasurer sues on bond.
7. Duty of auctioneers respecting conditions of sale.
8. Commissions of auctioneers.
9. Regulations of sales and commissions in certain towns.

SECTION
10. Auction sales, by whom made; subject to duty in what cases.
11. Duty on sales of foreign spirits.
12. Duties on sales of certain property.
13. Same subject.
14. Same subject.
15. Duties, how apportioned.
16. Duties, how calculated and collected.
17. Same subject.
18. Same subject.
19. Auctioneers to render account.
20. Oath of auctioneer to account.
21. Auctioneer to pay over duties; affidavit.
22. Penalties on auctioneer.
23. Penalty for exercising the office without being chosen and qualified.

SECTION 1. In addition to the auctioneers appointed by the electors of any town in town meeting, the town council of such town may, from time to time, appoint so many more for their town as they may deem expedient; to hold their offices until the next annual election of town officers.

SEC. 2. Each auctioneer shall give bond to the town treasurer with sufficient sureties, in a sum not exceeding ten thousand dollars, nor less than two thousand dollars, at the discretion of the said town treasurer, with condition, faithfully to execute the duties of his office according to law — to pay over all moneys received by him for goods sold at auction, to the owners thereof, and to pay over all duties to the state and to the town, which shall accrue on goods so sold by him.

SEC. 3. The town treasurer of each town shall transmit to the general treasurer the name of every auctioneer appointed as aforesaid, and a copy of the bond of such auctioneer, within twenty days from the time every such bond shall be given; and if any town treasurer shall neglect to transmit the name of any auctioneer, or the copy of the bond by him given, to the general treasurer as aforesaid, he shall forfeit one hundred dollars; to be sued for and recovered by the general treasurer, to the use of the state.

SEC. 4. The bond aforesaid may be sued in the name of the town treasurer, by any person claiming a forfeiture thereon; such person first giving security for costs by indorsing the writ, or by procuring some sufficient citizen of the state to indorse the same, who shall be liable for costs in case the defendant recover, and against whom execution shall issue therefor.

SEC. 5. In case of forfeiture adjudged in an action on said bond, judgment shall be rendered, for the penalty of the bond, and execution shall issue for the sum ascertained to be due to the plaintiff.

SEC. 6. Like security for costs shall be given, and like proceedings had, when scire facias is sued out upon said judgment for an additional breach of said bond: *Provided*, that when any suit shall be commenced on it by the general treasurer, notice of such fact shall be indorsed on the writ, but no security for costs shall be given, nor shall the defendant in such case recover cost, in any event.

SEC. 7. Every auctioneer, before exposing any real or personal estate to public sale, shall make out in writing and sign and publicly read the conditions of sale.

SEC. 8. When the whole amount of sales at any public auction shall not exceed four hundred dollars, the auctioneer shall have two and one half per cent. commissions; but if the amount exceed that sum he shall have only one and one half per cent.

SEC. 9. The towns of Newport, Providence, Bristol and Warren, shall have power to establish such regulations for the conducting of sales and auctioneer's commissions in their respective towns as they may think necessary; any thing in the next preceding section to the contrary notwithstanding.

SEC. 10. All sales by auction shall be made by an auctioneer, and shall be subject to a duty to the state, except the following, namely: sales made pursuant to any judgment, sentence, decree, order or rule of any court or judicial officer of the state, or of any court of the United States having jurisdiction within this state; sales made by virtue of any writ, execution, warrant of distress or order of law; sales of property held by executors, administrators or guardians of estates of citizens of the United States lying or being within this state, and sales of pews in houses of public worship.

SEC. 11. All foreign distilled spirits, exposed at auction in the original package in which they were imported, shall be subject to the following rate of duty on every hundred dollars; two dollars to the use of the state, and twenty-five cents to the use of the town where sold.

SEC. 12. The duty upon the sales of stocks of the United States or of any state, or of any town of this state; the shares of the stock in any incorporated banks, insurance companies and manufacturing companies, and also of any company whatever, incorporated under the authority of this state, and upon the sales of real estate and of ships and vessels, and of any interest in the voyages of ships and vessels, shall be one tenth part of one per cent.

SEC. 13. The duty upon the sales of hay, grain, flour, neat stock, furniture, and all agricultural products of this state shall be one half of one per cent.

SEC. 14. The duty upon all other sales shall be one per cent. on the amount thereof.

SEC. 15. The duties named in the preceding three sections, shall be one eighth part thereof to the use of the town in which such sales shall be made, and the remainder thereof to the use of the state.

SEC. 16. All the duties aforesaid shall be calculated on the sums for which the goods so exposed to sale shall be respectively struck off, and shall be by the auctioneer selling the same retained out of his said sales, and paid over to the proper officer.

SEC. 17. Where any sale or bidding shall be made at public auction in regard to any real estate, or in regard to any goods, wares, merchandise or other personal property, upon any less quantity than the whole, for the purpose of fixing the price of any larger quantity, or of the whole, in every such case the whole amount of the property sold, transferred, contracted for or negotiated by the terms and conditions of such auction, shall be subject to a duty as if the whole had been set up and sold by auction.

SEC. 18. When any auction shall have been actually begun, and the final purchase or bidding shall have been made by the owner of the property, by the auctioneer, or by any person employed by either of them, the same duty shall be paid as if the bidding had been made by any other person.

SEC. 19. Every auctioneer shall, within twenty days after the expiration of every six months, the first six months to be computed from the date of his bond, render a just and true account in writing, subscribed by him, to the general treasurer, of all goods, wares and merchandise, subject to duty, by him sold as aforesaid, from the time of his appointment, and giving bond as aforesaid, or the time that the last account by him was transmitted or rendered as aforesaid, the amount of each day's sale, and the date thereof.

SEC. 20. Such auctioneer shall take, before any magistrate authorized to administer oaths, the following oath, to be indorsed and certified on the account so rendered, as aforesaid: "I do solemnly swear, (or affirm,) that this account to which I have subscribed my name, contains a just and true account of all the goods, wares, merchandise and effects, sold or struck off by me, subject to duty by law, within the time mentioned in the said account; and of the days upon which the same were respectively sold; and that I have attended such sales personally, and have examined the entries of such sales in the book kept by me for that purpose, and know this account to be in all respects correct:" to which oath or affirmation the said auctioneer shall subscribe his name.

SEC. 21. Every such auctioneer shall, within ten days after rendering the account, and taking the oath aforesaid, pay the amount of duty upon such account of sales to the general treasurer, for the use of this state; and the amount of duty due the town to the town treasurer; and in case no sales on which duties are payable shall have been made, it shall be the duty of the auctioneer to make an affidavit thereof, at the time and in the manner above directed, and to transmit such affidavit to the general treasurer.

SEC. 22. In case any auctioneer shall fail to render his account or affidavit to the general treasurer as aforesaid, or shall fail to pay the duty due the state or town at the time and in the manner aforesaid, he shall forfeit for every such neglect, five hundred dollars, to be sued for by the general treasurer to the use of the state; unless the neglect be in not paying the duty due the town, and then by the town treasurer, to the use of the town.

SEC. 23. If any person shall hereafter assume or exercise the office of an auctioneer in any town, unless as above excepted, without being legally chosen thereto, and without being duly qualified, he shall forfeit five hundred dollars, to be recovered by the town treasurer, to the use of such town.

CHAPTER 118.

OF EXPRESSMEN.

SECTION
1. Expressmen to comply with provisions of this chapter.
2. Shall appoint some resident citizen to accept service of process.
3. Copy of power to be filed in office of secretary; certified copies evidence.
4. Of new appointments, and revocation of powers.
5. Service of process on attorney valid.
6. Other papers and statements to be filed in office of secretary.
7. Penalty for violating provisions of this chapter.

SECTION 1. No corporation unless incorporated by the general assembly, and no individual or copartnership, unless such individual or copartnership, or the members of such copartnership are residents of this state, shall transport or engage in the transportation of any goods, wares, merchandise or parcels of any description within this state, until such corporation, individual or copartnership shall have complied with the provisions of this chapter.

SEC. 2. Every such corporation, individual or copartnership, shall, by a written power, appoint some citizen of this state resident therein, their attorney with power and authority to accept service of all lawful process against such corporation, individual or copartnership, and to cause an appearance to be entered in like manner as if said corporation had existed, or said individual or the members of said copartnership had been residents of, and been duly served with process within this state.

SEC. 3. A copy of such power of attorney, duly certified and authenticated, shall be filed with the secretary of state, and copies thereof duly certified shall be received in evidence in all courts in this state.

SEC. 4. If such attorney shall die or resign, or be removed, it shall be the duty of such corporation, individual or copartnership to make a new appointment as aforesaid, and file a copy with the said secretary as above prescribed, so that at all times there shall

be within this state an attorney authorized as aforesaid; and no such power of attorney shall be revoked until after like power shall have been given to some competent person and a copy thereof filed as aforesaid.

SEC. 5. Service of process upon such attorney shall be deemed sufficient service upon his principals.

SEC. 6. Every such corporation or copartnership shall file in the office of the secretary of state with the written power aforesaid, a copy of the charter of such corporation, or list of the names and the places of residence of all the members of said copartnership.

SEC. 7. Any person, corporation or copartnership violating any of the provisions of this chapter shall forfeit fifty dollars.

CHAPTER 119.

OF HAWKERS AND PEDDLERS.

SECTION

1. Penalty for hawking and peddling without license.
2. Each sale a separate offence.
3. Offenders, how prosecuted; proceedings on complaint.
4. General treasurer to grant licenses; price of same.
5. Fee of general treasurer.
6. List of licenses to be kept by treasurer; duration and limitation of license.
7. Peddler to show license on demand; penalty.
8. Licenses may be transferred, how.
9. Certain sales by sample within meaning of this chapter.
10. Exceptions to the provisions of this chapter.
11. Certain domestic manufactures excepted.

SECTION 1. Every person, unless licensed as hereinafter required, who shall, as a hawker or peddler, sell or offer for sale, or carry through or into any town in this state, to be sold or bartered from packs, packages, horses, carts or other vehicles, any goods, wares or merchandise whatever, shall forfeit fifty dollars.

SEC. 2. Every individual sale or offer for sale made contrary to the provisions of this chapter shall be deemed and construed as a distinct and separate offence; and the person making the same shall be liable to be prosecuted therefor in the manner hereinafter prescribed.

SEC. 3. Whenever complaint shall be made to any justice of the peace within his county that any person within such county is selling or offering for sale any article contrary to the preceding section, such justice shall examine the complainant under oath, reduce his complaint to writing, and cause the same to be by him signed. If the complainant shall then enter into a recognizance in such sum, not exceeding fifty dollars, with such surety as the justice shall direct and approve, to prosecute such complaint to

final judgment with effect, or in default thereof to pay the costs that may accrue thereon, such justice shall issue his warrant to seize the article or articles so offered for sale; together with all other prohibited merchandise then in the immediate possession of the person complained of, with the packs, packages, carriage and horse, or other vehicle upon or in which the same shall have been transported; and to summon such person to appear before him and show cause why all such property should not be adjudged forfeited; and if upon trial it shall appear that such complaint is true, then all such property so seized shall be forfeited.

SEC. 4. The general treasurer may grant and issue, to any person he may deem suitable, a license for offering for sale and for selling as a hawker and peddler, watches, jewelry, gold or silver ware, or articles manufactured of German silver, upon the payment of the sum of two hundred dollars for the use of the state; and a license for offering for sale and for selling any other goods, wares or merchandise whatever, upon payment of the sum of one hundred dollars, for the use of the state.

SEC. 5. The sum of one dollar shall be paid to the general treasurer for his trouble, for each license, by the person applying therefor.

SEC. 6. The general treasurer shall, at the time of issuing such license, enter upon a list kept for that purpose, the name of the person so licensed, the kind of license, and the time of the expiration of such license; and shall also furnish to any person who may request it, a statement copied from said list of all such licenses as may be or may have been in force in any year designated by the person requesting such statement; and every such license shall continue in force for and during the term of one year from the granting thereof, and no longer; and shall authorize only the person named therein, to sell and offer for sale as aforesaid.

SEC. 7. If any person selling or offering for sale as a hawker or peddler, any goods, wares or merchandise whatever, shall, after being by any inhabitant of this state, or any person having a license under this chapter, distinctly requested to show his license, neglect or refuse for the space of ten minutes, to show a license then in force according to the provisions of this chapter, and allow the same to be read, every such person, if sued or prosecuted under this chapter, shall be adjudged to pay all the costs of such suit or prosecution, although it shall appear on trial that he had a license duly issued and in force at the time of the alleged offence.

SEC. 8. The general treasurer may upon proper reasons shown, authorize the transfer to any one person, of any license granted in conformity to the provisions of this chapter. Such transfer shall be made at the office of the general treasurer; and there shall be paid to the general treasurer at the time of making the same the sum of two dollars for his trouble in attending to such transfer.

SEC. 9. Any person who shall go from place to place in any town or city in this state, exhibiting samples of his goods, wares and merchandise, and bargaining for the same by samples, or taking orders for the same, to be afterwards delivered according to

samples, shall be deemed to be a hawker and peddler within the meaning of this chapter.

SEC. 10. The provisions of this chapter shall not apply to any person selling religious books and publications in behalf of bible, tract, or other religious or moral societies, for the purpose of promoting religious or moral improvement, and which are sold for that purpose and not for pecuniary profit.

SEC. 11. Nothing in this chapter contained shall be construed to require any inhabitant of this state to procure a license to enable him to peddle any article manufactured with his own hands, or to prevent the inhabitants of the state from vending without license, tow cloth, knit stockings, gloves and mits, and all other articles of household manufacture made and manufactured in this state.

CHAPTER 120.

OF PETTY CHAPMEN.

SECTION		SECTION	
1.	Certain traders to procure license from town council; sum to be paid for same.	2.	When such licensed person is not required to renew his license.
		3.	Penalty upon offenders, how recovered.

SECTION 1. Every petty chapman, jobber, trader, or other person, not an inhabitant of, and not assessed for taxes in the town in which he would establish himself for transacting business in the sale of any kind of merchandise, shall, previous to the exposing for sale any such merchandise, obtain from the town council of such town a license therefor, which license the said town council is hereby required to grant for one year, or for any shorter period of time that may be applied for; said person paying for said license such sum, not exceeding two hundred dollars, as said town council shall deem reasonable and just; one half thereof to the use of the state, and the other half thereof to the use of the town in which said license may be granted.

SEC. 2. No person who, by virtue of this chapter, shall have been licensed for one full year, and shall have prosecuted the business for which such person was licensed during the whole of that time, shall be required to have or apply for any further license for the continuance of such business or trade other than may be required of all dealing in the same articles, by the general laws of the state.

SEC. 3. Every person violating any of the provisions of this chapter, shall forfeit two hundred dollars, one half thereof to the use of the state, and the other half to the use of the town where such offence may be committed; to be recovered in the name of the town treasurer.

CHAPTER 121.

OF LEGAL INTEREST.

SECTION
1. Rate of interest established.
2. Proceedings in cases where usury is pleaded.
3. Provisions not to extend to certain usages among farmers and merchants.

SECTION 1. Interest in the rendition of judgments, and in all business transactions where interest is secured or paid, shall be computed at the rate of six dollars on a hundred dollars for one year, unless a lower rate is expressly stipulated.

SEC. 2. Whenever any person for the recovery of any debt or damages, shall be sued upon any instrument hereafter made, and shall allege by special plea that a higher or greater interest than the rate aforesaid was taken, or was therein or thereby secured or agreed for, the court shall and may admit the defendant as a legal witness, upon the issue joined in such action or suit, to testify relative to the nature and circumstances of such agreement; and shall also, on motion of the plaintiff, admit such plaintiff as a legal witness in like manner; and if on the whole evidence, such agreement shall be found usurious, the plaintiff shall have judgment for the principal sum, lawfully due, with legal interest thereon, with costs.

SEC. 3. Nothing in this chapter shall extend to the letting of cattle, or other usages of the like nature in practice among farmers, or to maritime contracts among merchants, as bottomry, insurance, or course of exchange, as heretofore used.

CHAPTER 122.

OF BILLS OF EXCHANGE AND PROMISSORY NOTES.

SECTION
1. Damages and interest on foreign bills.
2. Action against drawer and indorsers may be joint or several.
3. Damages and interest on inland bills.
4. Days of grace not allowed on bills drawn at sight.
5. Action by or against corporations on promissory notes.
6. Promissory notes payable to order or bearer assignable; action by indorsee against maker or prior indorser.
7. What days shall be holidays.
8. Bills and notes falling due on such holidays; when to be presented for payment and protested.

SECTION 1. When any foreign bill of exchange is or shall be drawn or indorsed within this state for the payment of any sum of

money, and such bill is, or shall be returned from any place or country without the limits of the United States, protested for non-acceptance or non-payment, the drawer or indorser shall be subject to the payment of ten per cent. damages thereon and charges of protest, and the bill shall carry an interest of six per cent. per annum from the date of the protest.

SEC. 2. It shall be lawful for any person having a right to demand any sum of money upon a foreign protested bill of exchange as aforesaid, to commence and prosecute an action for principal, damages, interest and charges of protest against the drawers or indorsers, jointly or severally, or against either of them separately; and judgment shall and may be given for such principal, damages and charges, and interest upon such principal after the rate aforesaid, to the time of such judgment, together with costs of suit.

SEC. 3. When any inland bill of exchange shall be drawn or indorsed within this state for the payment of any sum of money without the same, and such bill shall be protested for non-acceptance or non-payment, the drawer or indorser shall be subject to the payment of five per cent. damages thereon, and charges of protest, and the bill shall carry an interest of six per cent. per annum from the date of the protest.

SEC. 4. All bills of exchange drawn at sight, which shall be due and payable in this state, shall be deemed to be due and payable on the day of presentation without grace.

SEC. 5. When any persons or bodies corporate, by themselves, or by any person by them lawfully authorized for the purpose, shall make or sign any promissory note, whereby such persons or body corporate, shall promise to pay to any other person or body corporate, any sum of money or specific article mentioned in such note, the same shall be taken and construed to be by virtue thereof, due and payable to such person or body corporate; and such person or body corporate, may maintain an action for the same against the person or body corporate who shall have made the same.

SEC. 6. A note made as aforesaid, containing a promise for the payment of money only, made payable to order or bearer, shall be assignable or indorsable over in the same manner as bills of exchange are or may be, according to the custom of merchants; and the assignee or indorsee of such negotiable note may maintain an action against the maker of such note, or any prior indorser, for the recovery of the money due thereon.

SEC. 7. The fourth day of July, or when that day falls on the first day of the week, the day following it, Christmas day, the first day of January, and such other days as the governor or general assembly of the state, or the president or congress of the United States, may appoint, as days of thanksgiving, or days of solemn fast, shall be holidays.

SEC. 8. It shall be lawful to require payment of all notes, checks and bills of exchange due and payable on such holidays, to be made on the secular day next previous thereto — and in default of such payment, the same may be protested, and such protest shall be as valid as if made on the day on which such check, note or bill of exchange became due by its own terms.

CHAPTER 123.

OF WEIGHTS AND MEASURES.

SECTION
1. Set of standard weights and measures established; where to be kept.
2. Penalty on sealer of weights and measures for departing from standard.
3. Hundred weight in contracts, what.
4. Duty of town weigher.
5. Penalty for offence.
6. Hay-scales to be tried and sealed, when and by whom.
7. Penalty for using scales or balances not sealed.
8. Who to try scales when office of sealer is vacant.

SECTION 1. The set of standard weights and measures received from the secretary of state of the United States, shall be the authorized public standards, by which all weights and measures shall be tried, proved and sealed, and shall be placed, subject to the control of the general assembly, from time to time, in the keeping of such professor in Brown university as the said corporation shall designate as agent to take charge of the same.

SEC. 2. If any sealer of weights and measures shall seal the same otherwise than according to the standard provided in the preceding section, he shall be fined not less than one hundred dollars, nor more than five hundred dollars.

SEC. 3. Whenever any commodity shall be sold by the hundred weight it shall be understood to mean the net weight of one hundred pounds avoirdupois, and all contracts concerning goods sold by weight shall be construed accordingly.

SEC. 4. Every public or town weigher of goods or commodities, shall weigh the same according to the provisions of the next preceding section, and make his certificate accordingly.

SEC. 5. If any such weigher shall offend against the provisions of the next preceding section, he shall forfeit ten dollars.

SEC. 6. Every person who shall keep hay-scales or platform balances for public use, shall cause the same to be tried and sealed, — if in the cities of Providence or Newport or either of the towns of Bristol or Warren, at least once in every six months, — and if in any other place at least once in every year, by a sworn sealer of weights and measures.

SEC. 7. Every person who shall keep hay-scales or platform balances for public use, or who shall weigh or suffer to be weighed in such scales or balances any article of merchandise, unless said scales or balances shall have been tried and sealed, as provided for in the preceding section, shall forfeit twenty dollars.

SEC. 8. Whenever the owner or keeper of any such hay-scales, or balances shall apply to the president of the town council, (or to any person by him appointed for the purpose,) of any town in which the office of sealer of weights and measures, shall from any cause be vacant, to try said scales or balances, and to seal the same

if found correct, such president or person so appointed, shall try said scales or balances and seal the same if correct; and in case of his neglect so to do, such owner or keeper shall be exempt from the forfeiture prescribed in the next preceding section.

CHAPTER 124.

OF GAUGING.

SECTION
1. Rule for gauging.
2. Fees for gauging; casks, how branded.
3. Penalty for falsely exercising office of gauger.
4. Penalty for selling by false gauge.
5. Gaugers in the city of Providence, how appointed.
6. Sale by gauge mark of United States inspector, not prohibited.

SECTION 1. All casks which shall be gauged in this state, shall be gauged by the method or rule commonly called gauging by Gunter, computing the gallon at 231 cubic inches. Care shall be taken to ascertain as near as may be practicable, the true average of the head and bung diameter — also of the internal length of the cask; its mean diameter shall be ascertained in accordance with the principles laid down in the work on the subject of gauging, by Daniel Anthony, published in Providence, A. D. 1817.

SEC. 2. The fees for gauging a single cask shall be twenty-five cents; and for gauging any number of casks not exceeding ten, ten cents each; and for any number above ten, seven cents each; the gauger who shall gauge any cask shall fairly mark with branding or marking irons on the head or bulge of each cask, the initials of his name, and the quantity of the gauge or capacity of such cask.

SEC. 3. Any person not holding the office of gauger, who shall put upon any cask any gauge or other permanent mark to denote the capacity of such cask, or who shall exercise the office of gauger or business of gauging, shall forfeit twenty dollars for each offence.

SEC. 4. Any person who shall sell any commodity by any gauge or gauge mark which shall not have been made by a gauger appointed under this chapter, shall forfeit the value of such commodity sold.

SEC. 5. The city council of the city of Providence may, whenever they deem it expedient, appoint for said city a gauger, who shall have power to appoint under him such persons deputy gaugers, as said city council may approve: for the official conduct of such deputies he shall be answerable. Said gaugers shall be subject to such regulations as said city council may establish, not repugnant to law.

SEC. 6. Nothing in this chapter shall be construed to prevent the sale of any commodity under the lawful gauge or gauge mark of the United States, by the inspector of such commodity.

TITLE XIX.

Of Corporations.

CHAPTER 125. Provisions respecting corporations in general.
CHAPTER 126. Of banks and institutions for savings.
CHAPTER 127. Of returns of banks and institutions for savings.
CHAPTER 128. Of manufacturing corporations.
CHAPTER 129. Of insurance companies.
CHAPTER 130. Of railroad corporations.
CHAPTER 131. Of turnpike and toll-bridge corporations.
CHAPTER 132. Of voluntary associations.
CHAPTER 133. Of proprietors of common and undivided lands.

CHAPTER 125.

PROVISIONS RESPECTING CORPORATIONS IN GENERAL.

SECTION
1. General powers of corporations.
2. What may be included in by-laws.
3. Of the first meeting of corporations.
4. Mode of proceeding when there is no person authorized to call or preside at a legal meeting.
5. Power of corporation when so assembled.
6. Corporations continued bodies corporate after charter has expired in certain cases.
7. What property may be levied upon on executions against corporations.
8. Who shall be considered the highest bidder on sale of franchise of corporation.
9. How the franchise shall be transferred; rights of purchaser.
10. Purchaser may recover penalties.
11. Powers of corporation whose franchise is sold.
12. How franchise may be redeemed.
13. Records of transfers of stock, where kept; and of recording officer.
14. Acts of incorporation may be amended or repealed by the general assembly.

SECTION 1. All corporations shall, when no other provision is specially made, be capable of taking, holding, transmitting and conveying property, real or personal, in their corporate name, to sue and be sued, appear, prosecute and defend to final judgment and execution in any courts or elsewhere; to elect, in such manner

as they shall determine to be proper, all necessary officers, and to fix their compensation and define their duties and obligations; and to make by-laws and regulations, consistent with law, for their own government, and for the due and orderly conducting of their affairs, and the management of their property.

SEC. 2. All corporations may, by their by-laws, where no other provision is specially made, determine the manner of calling and conducting all meetings, the number of shares that shall constitute a quorum; the number of shares that shall entitle the members to one or more votes; the mode of voting by proxy; the mode of selling shares for the non-payment of assessments; and the tenure of office of the several officers; and they may annex suitable penalties to such by-laws, not exceeding in any case the sum of twenty dollars for any one offence, but no such by-laws shall be made by any corporation, repugnant to any of the provisions of its charter.

SEC. 3. The first meeting of all corporations, except of banks, shall, unless otherwise provided for in their acts of incorporation, be called by a notice signed by any one or more of the persons named in the act of incorporation, and setting forth the time, place and purposes of the meeting; and such notice shall, seven days at least before the meeting, be delivered to each member, or published in some newspaper of the county, where the corporation may be established, or if there be no newspaper in the county, then in some newspaper of an adjoining county, provided that notice of the first meeting of incorporated religious societies may be affixed to the door, or some other conspicuous part of their meeting-house or usual place of assembling for religious purposes.

SEC. 4. Whenever by reason of the death, absence or other legal impediment of the officers of any corporation, there shall be no person duly authorized to call or preside at a legal meeting thereof, any justice of the peace in the county where such corporation is established may, on a written application of three or more of the members thereof, issue a warrant to either of said members, directing him to call a meeting of said corporation, by giving such notice as has been previously required by law, and the justice may, in the same warrant, direct such person to preside at such meeting, until a clerk shall be duly chosen and qualified, if there shall be no officer present legally authorized to preside thereat.

SEC. 5. Such corporation, when so assembled, may elect officers to fill all vacancies then existing, and may act upon such other business as might by law be transacted at regular meetings of the corporation.

SEC. 6. All corporations whose charters shall expire by their own limitation, or shall be annulled by forfeiture or otherwise, shall nevertheless be continued bodies corporate, for the term of three years after the time when they would have been so dissolved, for the purpose of prosecuting and defending suits by or against them, and of enabling them gradually to settle and close their concerns, to dispose of and convey their property, and to divide their capital stock; but not for the purpose of continuing the business for which such corporations have been or may be established.

SEC. 7. When final judgment shall be recovered against any turnpike or other corporation authorized to receive tolls, the franchise of such corporation, with all the rights and privileges thereof, so far as relates to the receiving of toll, and also all other corporate property, may be taken on execution and sold in the same manner as real estate belonging to corporations is liable by law to be taken and sold on execution.

SEC. 8. In the sale of the franchise of any corporation, the person who shall satisfy the execution, with all legal fees and expenses thereon, or who shall agree to take such franchise for the shortest period of time, and to receive during that time all such toll as the said corporation would by law be entitled to demand, shall be considered as the highest bidder.

SEC. 9. The return of the officer on such execution shall transfer to the purchaser, all the privileges and immunities which by law belonged to said corporation, so far as relates to the right of demanding toll; and the officer shall, immediately after such sale, deliver to the purchaser, possession of all the toll-houses and gates belonging to said corporation, in whatever county the same may be situated; and the purchaser may thereupon establish, demand and receive, to his own use, all the toll which may accrue within the time limited in the said purchase of said franchise; and during that time the corporation shall not be entitled to sue for such tolls, or to prosecute for any penalty for the non-payment thereof.

SEC. 10. Any person who shall purchase the franchise of any turnpike or other corporation, and the assignee of such person may recover, in an action on the case, any penalties imposed by law for an injury to the franchise, or for any other cause, and which such corporation would be entitled to recover during the time limited in the said purchase of the franchise; and during that time the corporation shall not be entitled to prosecute for such penalties.

SEC. 11. The corporation whose franchise shall have been sold as aforesaid, shall, in all other respects, retain the same powers and be bound to the discharge of the same duties, and liable to the same penalties and forfeitures as before such sale.

SEC. 12. Such corporation may, at any time within three months from the time of such sale, redeem the franchise, by paying or tendering to the purchaser thereof, the sum that he shall have paid therefor, with twelve per cent. interest thereon, but without any allowance for toll which he may have received; and upon such payment or tender, the said franchise, and all the rights and privileges thereof, shall revert and belong to said corporation, as if no such sale had been made.

SEC. 13. All records of transfers of stock of corporations incorporated by the sole authority of this state, shall be made and kept within this state, and the officer of every such corporation, whose duty it may be to record the transfer of shares in the capital stock thereof, shall, at the time of his election or appointment, be a resident of the state; and whenever such officer shall cease to be a resident therein, his office shall become vacant.

SEC. 14. All acts of incorporation hereafter granted, may be amended or repealed at the will of the general assembly, unless express provision be made therein to the contrary.

CHAPTER 126.

OF BANKS AND INSTITUTIONS FOR SAVINGS.

SECTION
1. Of the organization of new banks; how books of subscription are to be opened.
2. Commissioners to apportion stock, &c.
3. Who shall constitute the corporation.
4. How the stockholders shall meet; notice of meeting, how given.
5. Tenure of offices.
6. When the bank shall go into operation.
7. Commissioners to superintend organization till stock all paid in.
8. Stockholders to be liable for debts of bank.
9. Of reduction of amount of capital stock.
10. Bank not to be removed or to establish agency; penalty.
11. How meetings of stockholders may be called.
12. Who may vote at such meetings.
13. Secretary of state to vote on stock owned by state.
14. Secretary to be director in bank where state is stockholder; shall visit such bank once in three months.
15. No other person to be director in more than one bank.
16. Director must be stockholder and citizen of the state.
17. Names of officers of bank to be published.
18. How directors of bank may be removed and vacancies filled.
19. How officers of bank appointed by directors may be removed.
20. Presence of three directors necessary for discount.
21. Penalty on officer of bank for refusing to permit stockholder to inspect books, &c.
22. Penalty for taking more than six per cent. per annum upon discount.

SECTION
23. Rates of exchange on certain places regulated.
24. Rates of exchange on places out of the United States not regulated.
25. Limit to debts of bank; liability of directors in case of excess.
26. How actions against directors to be brought and prosecuted.
27. Absent or dissenting directors, how exonerated.
28. Penalty for permitting circulation to exceed capital stock.
29. Penalty for issuing bills payable at other places than banking room.
30. Penalty for issuing bills for a less sum than one dollar.
31. Penalty for issuing bills for fractional parts of a dollar.
32. Of stamping counterfeit bills.
33. Same of altered bills.
34. Of mistakes in stamping or marking bills.
35. Penalty for issuing bills payable in any thing but gold and silver.
36. Penalty for passing any such bills.
37. Penalty for fraudulently managing business of bank.
38. Penalty for passing notes, &c., as currency other than bank-bills.
39. All such notes, &c., other than bank-bills, issued as currency, to be void.
40. Liability of bank refusing to pay out deposit.
41. Governor to appoint bank commissioners.
42. May remove commissioner and fill vacancy.
43. Pay of commissioners.
44. Commissioners to visit banks; their duties.

SECTION
45. Commissioners to examine officers of bank and others; penalty for refusing to testify, and for obstructing commissioners.
46. Powers of stockholders and others to require investigation.
47. Supreme court or justice to issue citation in certain cases to bank to show cause why injunction should not issue.
48. When injunction against bank may be granted, and receiver appointed.
49. Powers and duties of receiver.
50. Same subject; power of supreme court over receiver.
SECTION
51. Effect of injunction on collection of debts due from bank.
52. Power of court to issue temporary injunctions.
53. Court may declare charter of corporation void, when.
54. Of the citation and temporary injunction.
55. Penalty on officers of bank for refusing to deliver property of bank to receiver.
56. Money deposited in institutions for savings, how to be invested.
57. Limitations on certain investments.
58. No money to be loaned by institution to its officers.

SECTION 1. Whenever any bank shall be incorporated, the commissioners shall open a book of subscription to the capital stock of said bank, they giving notice of the time and place thereof in one or more newspapers published in the county where such bank is to be located, and if no newspaper be published in said county, then in some newspaper published in an adjoining county.

SEC. 2. When the books of subscription are closed, the bank commissioners shall apportion the stock, as near as may be, to the amount subscribed by each person, who shall, in their opinion, have the ability to make a bonâ fide investment, and they shall record the apportionment, and file a copy thereof in the office of the secretary of state.

SEC. 3. The persons to whom the stock is apportioned as aforesaid, shall constitute the corporation created by the charter of said bank.

SEC. 4. Such stockholders shall meet at a time and place to be fixed by the bank commissioners to organize and transact business. Notice of the time and place of such meeting shall be given to the stockholders, either personally in writing, or in some newspaper published as provided in section three of this chapter.

SEC. 5. The officers chosen at such meeting or at any adjournment thereof, shall hold their offices until the next annual meeting, and until others are elected in their places.

SEC. 6. Such bank shall not go into operation, nor shall any bills be issued until the first instalment of the capital stock required by the act of incorporation of said bank shall have been paid in, in cash, and said bank commissioners shall have filed in the office of the secretary of state a certificate to that effect, and such bank shall have caused said certificate to be published in two newspapers printed in the state.

SEC. 7. Said commissioners shall superintend the organization of such bank until the entire amount of capital stock of such bank originally subscribed shall have been fully paid in, in cash, and they shall sign and file in the office of the secretary of state a certificate to that effect.

SEC. 8. The stockholders of any bank which shall be hereafter incorporated, shall be personally and individually liable for all debts due from the bank, provided that the corporation shall be first sued and the corporate property first exhausted in the payment of the debts of the bank.

SEC. 9. The capital stock of any bank shall not be reduced by a division of any part of the same without the consent of the general assembly; and if by reason of losses, the capital stock of any bank shall be diminished one fourth part or more of the sum fixed by the charter of such bank, the same shall be filled up to its original amount within one year after such loss shall have been incurred. Any violation of the provisions of this section shall work a forfeiture of the charter of the offending bank.

SEC. 10. No bank shall be removed from the town wherein it is located by its charter; nor shall any bank establish any branch, office or agency thereof, for discount, in any other place than that in which such bank is located, unless by permission of the general assembly. If any bank shall violate the provisions of this section, its charter shall be forfeited.

SEC. 11. One third of the stockholders in interest in any bank may call meetings of the stockholders, at their banking room, for the transaction of business, with the same legal effect as if the meeting had been called by the directors of the bank; first giving such notice of the time and place of meeting as may be prescribed in their charter or provided by law.

SEC. 12. No person shall be entitled to vote at any stockholders' meeting in any bank, upon stock which has been transferred to him within fifteen days of such meeting.

SEC. 13. The secretary of state shall, ex officio, be entitled to be present at the meetings of the stockholders of every bank in which the state is a stockholder, and to vote upon the stock owned by the state in all questions before such meetings.

SEC. 14. The secretary of state shall, ex officio, be a director in every bank in which the state is a stockholder, and shall visit, as director, every such bank as often as once in three months.

SEC. 15. No person except the secretary of state in his official capacity shall be a director in more than one bank other than a savings bank, at the same time.

SEC. 16. No person shall be director of any bank unless he is a stockholder therein, and a citizen of and resident in this state, unless where otherwise specially provided.

SEC. 17. The cashiers of banks shall cause the names of all the directors, and of the president and cashier thereof to be published within thirty days after their election in some newspaper printed in the county in which the bank is located; except in case of banks in the counties of Washington and Kent, when such notice shall be published in some newspaper printed in said counties or in the city of Providence, and each cashier shall, within the said twenty days, file a list of said officers in the office of the secretary of state.

SEC. 18. A majority, consisting of not less than half the stock-

holders in interest in any bank, may remove any or all the directors of the bank, at any meeting legally called and notified for that purpose; and vacancies caused by such removals, may be filled in the manner prescribed by the charter and by-laws of such bank.

SEC. 19. The directors of any bank may, by a majority of not less than half of the whole board, remove any officer of the bank appointed by them: *Provided*, notice of the meeting of the board for such purpose be given to all the members of the board, and to the officer sought to be removed.

SEC. 20. The presence and consent of at least three directors, shall be necessary for the discounting of notes or bills of exchange by any bank.

SEC. 21. If any cashier or other officer of any bank shall refuse to permit any stockholder thereof to inspect the books, papers and accounts thereof, excepting the private accounts of individuals, the person so offending shall forfeit fifty dollars.

SEC. 22. If any bank or any officer of any bank or other person in behalf thereof, shall directly or indirectly knowingly demand and receive from the maker, indorser or holder of any promissory note or bill of exchange or obligation of any description for the payment of money at a future day, upon the discount thereof, by or on account of such bank, any greater interest or discount, under any form or pretence whatever, than at the rate of six per cent. per annum, the officer or other person knowingly demanding or receiving in behalf of such bank such excessive interest or discount, shall forfeit for each offence five hundred dollars, to the use of the state; to be recovered in the name of the general treasurer.

SEC. 23. It shall not be construed to be any violation of the provisions of the preceding section, to demand or receive interest or discount for periods less than one year at the rate of six per cent. for three hundred and sixty days; and nothing therein contained shall be deemed or construed to prohibit any bank from demanding or receiving, at any time, upon promissory notes, payable at other places than the town or city wherein the bank discounting the same shall be located, and upon all drafts and bills of exchange, besides the interest or discount limited as aforesaid, the following rates of exchange, viz.: one quarter of one per cent. when payable in any place within this state; one quarter of one per cent. when payable in either of the cities of New York, Boston or Hartford; three eighths of one per cent. when payable in the city of Philadelphia; one half of one per cent. when payable in any place within either of the states of Maine, New Hampshire, Vermont, Massachusetts, (except the city of Boston,) New York, (except the city of New York,) Connecticut, (except the city of Hartford,) New Jersey, Pennsylvania, (except the city of Philadelphia,) Delaware, Maryland, or within the District of Columbia; one per cent. when payable in any place within the state of Virginia; one and one half per cent. when payable in any place within either of the states of North Carolina, South Carolina, Georgia or Ohio; two

per cent. when payable in any other place within the United States.

SEC. 24. Nothing in this chapter contained shall be construed to prohibit or apply to rates of exchange on places without the limits of the United States.

SEC. 25. The total amount of the debts which any bank shall at any time owe, exclusive of money actually deposited in said bank, shall not exceed the capital stock actually paid into said bank; and in case of excess, the directors, under whose administration it shall happen, shall be liable for the same in their private capacities.

SEC. 26. In such case an action may be brought against them, or any of them, their heirs, executors or administrators, in any court proper to try the same, by any creditor of such corporation, and be prosecuted to final judgment and execution; and this shall not be construed to exempt the corporation or their lands, tenements, goods or chattels, from being also liable for and chargeable with said excess.

SEC. 27. Such of said directors as may have been absent when said excess was contracted or created, or who may have dissented from the act or resolution whereby the same was contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact of their absence or dissent to the stockholders, at a general meeting, which they may call for that purpose.

SEC. 28. If any bank shall at any time have bills or notes of said bank in circulation exceeding its capital stock actually paid in, the directors, for the time being, shall forfeit one thousand dollars each, and the charter of such bank shall thereupon be declared null and void.

SEC. 29. If any bank shall make and issue any bank-bill payable at any other place than its own banking room or place of business, the president or cashier, or other person who shall sign such bank-bill, shall each forfeit fifty dollars.

SEC. 30. If any bank shall issue or pass any note, bill, order or check for a less sum than one dollar, with intent that the same shall be circulated as a currency, the president or cashier, or other person who shall sign such note, bill, order or check, shall forfeit for every such offence one hundred dollars.

SEC. 31. Any bank which shall issue, re-issue, or circulate any bill for any fractional parts of a dollar, shall be fined fifty dollars, to be recovered by indictment against the president, or other officers of such bank who shall sign or issue the same.

SEC. 32. Any bank which shall receive in payment, or upon deposit, or for redemption from any other bank, or from any person or persons, any counterfeit bank-bill, shall write or stamp upon such bank-bill, the word "counterfeit," adding thereto or thereunder, the name of the bank, and the initials of its officer, by which such writing or stamp may be made.

SEC. 33. Any bank-note or bill which may have been altered from its original denomination or amount to some other, shall in

like manner be stamped with the word "altered," in such manner as to give notice of such alteration.

SEC. 34. If any bank or its officer shall by mistake or inadvertence, make any such writing or stamp upon a bank-note or bill, which is not in fact a counterfeit or an altered bill, the bank or its officer shall not be answerable in damages in any sum greater than the actual loss or damage which such mistake or inadvertence may produce.

SEC. 35. If any bank shall issue, pay out or pass any bill or note payable in any thing but gold or silver, the president or cashier who shall sign such bill or note shall respectively forfeit fourfold the amount of such bill or note.

SEC. 36. If any person shall pass or tender in payment any bank-bill payable in any thing but gold or silver, he shall forfeit four fold the amount of such bank-bill.

SEC. 37. If any officer of any bank shall fraudulently manage or conduct the affairs or business of such bank, whereby any person shall be defrauded, such officer shall be fined not exceeding five thousand dollars.

SEC. 38. Any person who shall issue or pass any note, bill, order or check, other than the notes or bills of some bank incorporated by this state, or the United States, or some one of them, with intent that the same shall be circulated as a currency, shall be fined for every such offence one hundred dollars.

SEC. 39. All notes, bills, orders or checks, which shall be issued or passed as aforesaid, other than the notes or bills of any bank incorporated as aforesaid, and checks drawn on any such bank, shall be utterly void, and no action shall be sustained thereon in any court.

SEC. 40. When any incorporated bank shall, for the space of five days after demand in writing left with the cashier of said bank, refuse or neglect, upon application therefor, to pay any money deposited therein, or which has been collected on any security deposited in said bank for collection, to the person having legal right to demand and receive the same; or shall refuse, upon demand and application as aforesaid, to deliver out to any person having legal right as aforesaid, any security or money deposited in such bank for safe-keeping, or for collection and not collected, or any specific article deposited therein for safe-keeping; such bank shall be liable to pay in damages to the party aggrieved, the value of the article or the amount of the money or security so detained, with interest from the demand, and such additional damages as the court or jury before which the same may be tried shall think reasonable.

SEC. 41. The governor shall annually on or before the first day of June in each year, after the present year, appoint one bank commissioner, who shall hold his office for three years next after the first day of June, in the year in which he is appointed and until his successor is appointed and qualified to act. Said commissioners shall, before entering upon the duties of their office, be engaged to the faithful and impartial discharge of their duties by

some person authorized to administer oaths within this state, and a certificate of said engagement shall be filed by said commissioners in the office of the secretary of state. A majority of said commissioners shall be competent to act in all cases.

SEC. 42. The governor may, at any time, for sufficient cause, remove any such commissioner, and appoint some other suitable person in his place, who shall hold such office, unless sooner removed, for the unexpired term of the commissioner so removed.

SEC. 43. Said commissioners shall each be allowed and paid for their services in said office, four dollars for each day employed in visiting the corporations herein before mentioned, and also their necessary travelling expenses, to be paid in all cases by the corporation visited. The compensation of said commissioners for superintending the organization of any new bank shall be paid by such bank.

SEC. 44. Said commissioners, or any two of them, shall, at least once in every year, and as much oftener as they shall deem expedient, visit every bank and institution for savings which has been or shall be incorporated in this state, and shall have free access to their vaults and all their books and papers, and shall, if they deem it expedient, thoroughly inspect and examine all the affairs of said corporations, and make any and all inquiries as may in their opinion be necessary to ascertain the condition of said corporations and their ability to fulfil all their engagements, and whether they have complied with the provisions of law applicable to their transactions.

SEC. 45. Said commissioners, or either of them, may summon and examine under oath all directors, officers and other agents of said corporations, and such other witnesses as they may think proper in relation to the affairs, transactions and condition of said corporations, and any such director, officer, agent or other person who shall refuse, without justifiable cause, to appear and testify when thereunto required as aforesaid, or who shall in any way obstruct any commissioner in the discharge of his duties as prescribed in this chapter, shall, on conviction thereof, be fined not exceeding ten thousand dollars, or be imprisoned for a term not exceeding five years; and in case the person so refusing or obstructing as aforesaid be a director, officer or agent of said corporations, said corporations may also be proceeded against as is hereinafter provided.

SEC. 46. In addition to the examination hereinbefore provided, if any three or more persons who shall be officers, stockholders or creditors of any bank or institution for savings, shall make a statement in writing, under oath, setting forth their interest and the reasons for making such examination, and shall direct the same to said commissioners, requesting them to examine such bank or institution for savings, it shall be the duty of said commissioners forthwith to make a full investigation of the affairs of such corporation in manner hereinbefore provided.

SEC. 47. The supreme court in term time, in any county, or any justice thereof in vacation, shall, upon complaint in writing from the bank commissioners under oath, setting forth that in their

opinion any bank or institution for savings, has forfeited its charter at law, or is so managing its concerns that the public or those having funds in its custody, are in danger of being defrauded thereby, or has become insolvent, forthwith issue citation to such corporation, directed to and to be served upon the president, directors, cashier or treasurer thereof, by leaving an attested copy at their banking room, or usual place of business, commanding such president, directors and cashier or treasurer personally to appear before said court, if in term time, or before said justice if in vacation, on a day and at a place to be mentioned in the citation, then and there under oath to show cause, if any they have, why a writ of injunction should not issue, enjoining such corporation from further exercising the powers and franchises conferred by its charter.

SEC. 48. If, upon the examination of the president, directors, cashier or treasurer and of such other witnesses and evidence as may be produced by the commissioners and defendants, the court in term time, or said justice in vacation, shall be of opinion that the charter of said corporation is forfeited at law, or that such corporation is so managed as that the public or those having funds in its custody are in danger of being defrauded thereby, or has become insolvent, they shall issue an injunction to the president, directors, cashier, treasurer and other officers of such corporation, enjoining them from proceeding further in transacting the business thereof; and shall appoint some discreet and proper person to be receiver of all the evidences of debt, goods, effects and property of every description belonging to such corporation, and may from time to time require such receiver to give such bond or bonds with sureties to their satisfaction, as they may think fit.

SEC. 49. The receiver may take the same into his possession, and shall collect the debts, dispose of the property and pay out of the proceeds thereof, if the same shall be sufficient, all the debts of the corporation, first reserving to himself a reasonable compensation for his services, and shall give the bill holders a preference over other creditors, or pay them ratably if there shall not be sufficient to pay the whole. In case there shall be any surplus after paying the receiver for his services, and after paying the debts of the corporation, with incidental expenses, the receiver shall distribute the same in due proportion among the stockholders of such bank, or other persons entitled thereto.

SEC. 50. The receiver shall be clothed with all the powers and rights in respect to the collection of debts due to such corporation, which the corporation possessed in virtue of its charter or otherwise, before such injunction issued; and may be removed by the supreme court, and another appointed in his stead; and the supreme court shall have the same power and authority over the receiver, his acts, proceedings and accounts, as is exercised by courts of equity in like cases.

SEC. 51. So long as any such injunction shall be in force against any corporation, all suits and legal process against such corporation for the collection of debts shall be stayed.

SEC. 52. The said court is also empowered to issue a limited or temporary injunction, staying proceedings in such particulars and for such length of time, as in the opinion of the court may be necessary for the safety of the public and the proper management of the affairs of the corporation, without proceeding to the appointment of a receiver.

SEC. 53. The said court at any term thereof, subsequent to the issuing of said injunction, shall, upon the hearing of all the parties upon said complaint, if they see cause, declare the charter of said corporation null and void.

SEC. 54. Such citation, whether issued by said court or by a single justice, may also contain a temporary injunction on said corporation and all its officers, restraining them from proceeding in any business of said corporation, which may diminish or endanger the assets of such corporation; which injunction, unless removed, shall continue until the complaint is finally disposed of.

SEC. 55. If the president, directors, cashier, treasurer, agents or servants of any bank or institution for savings which shall be enjoined as before mentioned, or any other person upon being required thereto, shall neglect or refuse to deliver to the receiver or receivers of such corporation, who may be appointed by virtue of this chapter, such evidences of debt, goods, effects and property of every description, and evidences of and titles to property belonging to such corporation as may be in their possession or under their control, each person so offending shall be fined not exceeding ten thousand dollars, or be imprisoned not exceeding three years; or be both fined and imprisoned within the limits last aforesaid, at the discretion of the court.

Institutions for Savings.

SEC. 56. All institutions for savings may and shall hereafter invest their receipts in such public stocks of any state or of the United States, or in any bank-stocks, or in notes or bonds of any town or city, or other public securities, as they may deem safe and secure, or in the notes, bonds or drafts of individuals, with two other responsible indorsers, sureties or guarantors, or in notes, bonds or drafts of individuals secured by the public notes, by bonds or stocks aforesaid, or on mortgage of real estate.

SEC. 57. No such institution shall have an amount exceeding one half of its receipts invested in notes, bonds or drafts of individuals unless secured by such public notes, bonds or stocks aforesaid, or by mortgage of real estate; but the preceding section shall not be so construed as to forbid any such institution from placing and holding on deposit in any bank such reasonable amount of their receipts as is customary, and they may deem proper, payable on demand, whether drawing interest or not.

SEC. 58. No money shall be loaned by any institution for savings, to any trustee, director, or other officer of such institution.

CHAPTER 127.

OF RETURNS OF BANKS AND INSTITUTIONS FOR SAVINGS.

SECTION
1. Banks to make returns, when and to whom.
2. Notice to be given of the day on which return to be made.
3. What the bank returns shall contain.
4. Who shall make oath to returns.
5. Penalty for neglecting to make returns.
6. Return of institution for savings.
7. Who shall make oath to said return.
8. Penalty for neglecting to make return.
9. Abstract of bank returns to be prepared, published and distributed.
10. Bank commissioners to make report to general assembly; keep record, &c.

SECTION 1. Each incorporated bank and each incorporated institution for savings, shall make return to the bank commissioners, of its situation on some one day certain between the fifteenth day of May and the fifteenth day of June of each year, and also on some one day certain between the fifteenth day of November and the fifteenth day of December of each year, said days to be designated by the bank commissioners, subsequent to the days so designated for the returns to be made as aforesaid.

SEC. 2. The bank commissioners shall give notice of the day designated to the cashiers of the several banks and the treasurers of the several institutions for savings, and each bank and each institution for savings shall, within ten days after the notice aforesaid, make return of its situation on the day so designated as herein after prescribed.

Banks.

SEC. 3. The bank returns hereby required shall embrace the following particulars: Situation of the bank of ——, on the —— day of ——; capital actually paid in; amount of bills in circulation; amount of bills in circulation of denominations under five dollars on the day designated, or on the nearest day thereto on which the cashier can make a statement; amount of deposits on interest; amount of deposits not on interest; amount due to other banks; amount of dividends unpaid; amount of net profits on hand; total amount of liabilities; amount of debts due from directors; amount of debts due from other stockholders; amount of debts due from all others; amount of specie actually in bank; amount of bills of other banks; amount of deposits in other banks; amount of its own stock held by the bank; amount and description of stock in other banks; and amount and description of other stocks owned by the bank; amount and description of stocks held as collateral security for loans; amount of real estate; amount of other property; total amount of resources; increase of capital since last return; par value of shares; date, rate per cent. and amount of last dividend; amount of suspended paper considered

bad or doubtful; reserved profits at the time of the last dividend; amount loaned on pledges of stock in the bank; amount of debts due and not paid; largest amount of indebtedness of any one person or firm.

SEC. 4. The president and cashier of each bank, or in case of their inability from sickness or otherwise, two of the directors, shall be engaged to the truth of said return, which engagement shall be certified upon the return.

SEC. 5. If the president and cashier, or in case of their inability, the directors of any bank, shall neglect or refuse to make return as aforesaid, the bank shall forfeit to the use of the state twenty dollars for every day such bank shall neglect or refuse to make return after the expiration of the ten days aforesaid, to be recovered in the name of the general treasurer.

Institutions for Savings.

SEC. 6. The return hereby required to be made by each institution for savings shall embrace the following particulars: Situation of the institution for savings on the day of October, 18 ; amount of deposits; number of depositors; number who have sums deposited under one hundred dollars; number who have sums deposited of one hundred dollars, and under two hundred dollars; number who have sums deposited of two hundred dollars and under five hundred dollars; number who have sums deposited of five hundred dollars and under one thousand dollars; number who have sums deposited of one thousand dollars and upwards; largest amount due to any one depositor; amount invested in bonds and mortgages; amount of funds invested in stocks, specifying the names of the institutions in which such stocks are held, with their several amounts; amount loaned on personal security; amount of cash on hand; amount of profits on hand; amount and rate per cent. of last dividend; average rate of dividends for the last three years; amount of reserved profits at the time of last dividend; amount of deposits not liable to be claimed by individuals, and the names of depositors whose deposits have remained unpaid for the space of twenty years or more, and the several amounts of the same.

SEC. 7. The treasurers of the several institutions, or in case of their inability from sickness or otherwise, the president or one of the trustees shall be engaged to the truth of said return, which engagement shall be certified thereon.

SEC. 8. If the treasurer, or in case of his inability, the president or some one of the trustees, shall neglect or refuse to make return as aforesaid, the trustees shall personally forfeit twenty dollars for every day such institution shall neglect or refuse to make return as aforesaid, after the expiration of the ten days aforesaid, to be recovered in the name of the general treasurer, to the use of the state.

SEC. 9. The bank commissioners shall, as soon as may be, cause an abstract of such bank returns, and the returns of the various

institutions for savings to be made out, and three hundred copies thereof to be published in pamphlet form; and shall send one copy thereof to the governor, one to the lieutenant-governor, one to the attorney-general, one to the general treasurer, one to each member of the senate and house of representatives, one to each town clerk, one to each of the incorporated banks, one to each of the incorporated institutions for savings, one to the United States' secretary of the treasury, five to the Historical Society, and shall reserve one for himself.

SEC. 10. Said commissioners shall annually in the month of January make a report to the general assembly of the general condition and management of the corporations visited by them, with such suggestions in relation to the same as they shall deem expedient, for which purpose they shall keep a record of all their proceedings under this chapter.

CHAPTER 128.

OF MANUFACTURING CORPORATIONS.

SECTION

1. Members of manufacturing corporations liable for debts of corporation, until capital stock paid in and certificate made and recorded.
2. Certificate of payment of capital stock, how made and recorded.
3. Penalty on officers for neglecting to make such certificate.
4. Of reduction of amount of capital stock.
5. Liability of stockholders in case of withdrawal of capital stock before payment of debts.
6. Liability of directors for making dividend when company is insolvent.
7. Note given for stock shall not be considered payment; officers liable for loans to stockholders.
8. Of appraisal of property of manufacturing corporations by assessors.
9. Compensation of assessors.
10. Certificate to be made by assessors and recorded.
11. Annual certificate to be filed by corporation.
12. Liability of stockholders for neglect to file such certificate.
13. Debts not to exceed capital stock paid in; liability of directors for excess.

SECTION

14. Absent or objecting director not liable.
15. How manufacturing corporations heretofore incorporated may adopt provisions of this chapter.
16. Real and personal estate of manufacturing corporations to be liable to attachment for debts.
17. Liability of officers for making false certificate.
18. Of the remedy against officers who shall become liable for debts of company.
19. Of process against stockholders, and how served.
20. Of remedy by bill in equity.
21. Stockholders liable for contribution.
22. Remedy in behalf of an officer who has paid debt of company.
23. Persons holding stock who are not liable for debts of company.
24. Executors, trustees and others to vote as stockholders.
25. How certificates shall be signed when certain officers not chosen.
26. Effect of provisions of this chapter on existing corporations.
27. Of amendment and repeal of provisions of this chapter.

SECTION 1. The members of every manufacturing company that shall be hereafter incorporated, shall be jointly and severally liable for all debts and contracts made and entered into by such company until the whole amount of the capital stock fixed and limited by the charter of said company, or by vote of the company in pursuance of the charter, or of law, shall have been paid in and a certificate thereof shall have been made and recorded in a book kept for that purpose, in the office of the town clerk of the town wherein the manufactory is established, and no longer, except as is hereinafter provided.

SEC. 2. The president and directors, with the treasurer and clerk of said companies, within ten days after the payment of the last instalment of the capital stock fixed and limited by the charter, or by vote of the company in pursuance of the charter, or of law, shall make a certificate, stating the amount of the capital so fixed and paid in; which certificate shall be signed and sworn to by the president, treasurer and clerk, and by a majority of the directors, and they shall, within said ten days, lodge the same to be recorded in the book kept as aforesaid in the office of the town clerk of the town wherein the manufactory shall be established. In case of increase of the capital stock of said companies, like proceedings shall be had as to the amount added and paid in.

SEC. 3. If any of said officers shall refuse or neglect to perform the duties required of them as aforesaid, they shall be jointly and severally liable for all debts of the company contracted after the expiration of said ten days, and before such certificate shall be recorded as aforesaid.

SEC. 4. Every such company may, by a vote at any meeting called for that purpose, reduce its capital stock within the limits authorized by its charter; and in such case a certified copy of the vote shall, within ten days after the passing thereof, be recorded as aforesaid; and in default thereof, the directors of the company shall be jointly and severally liable for all debts of the company contracted after said ten days, and before the recording of the copy of the vote as aforesaid.

SEC. 5. If any part of the capital stock of such company shall be withdrawn and refunded to the stockholders, before payment of all the debts of the company, contracted previously to the recording of the copy of the vote reducing the capital stock as in the preceding section required, all the stockholders of the company shall be jointly and severally liable for the payment of said last-mentioned debts.

SEC. 6. If the directors of any such company shall declare and pay any dividend, when the company is insolvent, or any dividend the payment of which would render it insolvent, they shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be thereafter contracted, so long as they shall respectively continue in office; provided that the amount for which they shall all be so liable, shall not exceed the amount of such dividend, and that if any of the directors shall be absent at the time of making the dividend, or shall object thereto,

and shall file their objection, in writing, with the clerk of the company, they shall be exempted from said liability.

SEC. 7. No note or obligation given by any stockholder, whether secured by pledge or otherwise, shall be considered as payment of any part of the capital stock, and no loan of money shall be made by any such company to any stockholder therein; and if any such loan shall be made to a stockholder, the officers who make it or who shall assent thereto, shall be jointly and severally liable to the extent of such loan and interest, for all the debts of the company contracted before the repayment of the sum so loaned.

SEC. 8. In case any manufacturing company owning a manufacturing establishment, has obtained or shall obtain a charter of incorporation and all the members of the corporation shall be members of the company or the members of the corporation not members of the company shall own less than one third of the stock of the corporation, the manufacturing establishment including all the real estate and machinery conveyed by the company to the corporation, shall be appraised by the assessors of taxes of the town wherein such manufactory shall be situated, and the amount of the capital stock of such corporation, represented by such real estate and machinery, shall not exceed the sum at which the same may be appraised as aforesaid, either in the whole under the provisions of this chapter or in any part which may be exchanged by any member of the company for shares in the stock of such corporation, or in which he may pay assessments laid on his shares in the same.

SEC. 9. Said assessors shall receive for their service in appraising said real estate and machinery, the sum of ten dollars, to be equally divided between such of them as may act in the premises, not being less than a majority of the whole number, together with their necessary expenses in making such appraisement, to be paid by the corporation.

SEC. 10. A certificate of such appraisement, signed and sworn to by the assessors making the same, shall be first recorded as aforesaid, in addition to the certificate required by the second section of this chapter, before the liability of the members of such corporation for the debts and contracts of the same shall cease.

SEC. 11. Every manufacturing company included within the provisions of this chapter shall file in the town clerk's office of the town where the manufactory is established, annually, a certificate signed by the president and a majority of the directors, truly stating the amount of all assessments, voted by the company, and actually paid in, and the amount of all existing debts.

SEC. 12. If any of said companies shall fail so to do, all the stockholders of said company shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be contracted before such notice shall be given, unless such company shall have become insolvent and assigned its property in trust for the benefit of its creditors, in which case the obligation to give such notice by the filing of such certificate shall cease.

SEC. 13. The whole amount of the debts which any such com-

pany shall at any time owe, shall not exceed the amount of its capital stock actually paid in; and in case of any excess, the directors under whose administration it shall happen, shall be jointly and severally liable, to the extent of such excess, for all the debts of the company then existing, and for all that shall be contracted, as long as they shall respectively continue in office, and until the debts shall be reduced to the amount of the capital stock of said company paid in.

SEC. 14. Any director, who shall be absent at the time of contracting any debt contrary to the foregoing provisions, or who shall object thereto, may exempt himself from said liability, by forthwith giving notice of the fact to the stockholders, at a meeting which he may call for that purpose.

SEC. 15. If any manufacturing company heretofore incorporated, having a capital paid in of thirty thousand dollars, or upwards, shall, at any legal meeting called for that purpose, vote to adopt the provisions contained in this chapter; and shall also cause to be recorded as provided in the second section of this chapter, a certificate, signed by the president, treasurer, clerk, and a majority of the directors, stating the amount of the capital actually paid in, and if any part thereof has been divided or withdrawn, stating also the amount of the debts and credits and an estimate of the value of the real and personal estate of said corporation, for the purpose of carrying on the business thereof, at the time of making such certificate; and if the said officers shall make oath that they have carefully examined the records and accounts of said corporation, and faithfully estimated the value of the property and the funds thereof, and that said certificate, by them signed, is true, according to their best knowledge and belief; then no stockholder shall be liable for any of the debts of the said company, contracted after the recording of such certificate, except for the causes and in the manner hereinbefore provided.

SEC. 16. The real and personal estate of every manufacturing corporation incorporated under, or which shall vote to adopt the provisions of this chapter, shall be liable to be attached and taken, levied on and sold for the debts and liabilities of the company, on any writ of attachment or execution issued against the company for such debt or liability, the writ to be a writ of summons and attachment, in common form, and the courts issuing executions against such corporations being authorized to conform their executions so as to carry out the provisions of this section.

SEC. 17. If any certificate made, or any public notice given, by the officers of any manufacturing company, in pursuance of the provisions of this chapter, shall be false in any material representation, all the officers who shall have signed the same, knowing it to be false, shall be jointly and severally liable for all the debts of the company contracted whilst they were stockholders or officers thereof.

SEC. 18. When any of the officers of any manufacturing company shall be liable, by the provisions of this chapter, to pay the debts of such company, or any part thereof, any person to whom

they may be so liable, may have an action on the case against any one or more of the said officers; and the declaration in such action shall state the claim against the company, and the ground on which the plaintiff expects to charge the defendant personally; and such action may be brought, notwithstanding the pendency of an action against the company for the recovery of the same claim or demand; and both of the actions may be prosecuted, until the plaintiff shall obtain the payment of his debt and the cost of both actions.

SEC. 19. When the stockholders of any manufacturing company shall be liable, by the provisions of this chapter, to pay the debts of such company, or any part thereof, their persons and property may be taken therefor on any writ of attachment or execution, issued against the company for such debt, in the same manner as on writs and executions issued against them for their individual debts.

SEC. 20. The person to whom said officers or stockholders may render themselves liable as aforesaid, may, instead of the proceedings aforementioned, have his remedy against said officers or stockholders by a bill in equity in the supreme court.

SEC. 21. Any stockholder who shall, whether voluntarily or by compulsion, pay any debt of the company for which he is made liable by the provisions of this chapter, may recover the amount so paid in an action on the case against the company; in which action the property of the company only shall be liable to be taken, and not the person or property of any stockholder of the company; or the person who shall have so paid such debt of the company, may proceed in the supreme court in equity, for contribution, against any one or more of the stockholders who were originally liable with him for the payment of said debts, and may recover against each of them their just and equitable proportion thereof.

SEC. 22. Any officer of a manufacturing company who shall pay any debt of the company for which he is made liable by the provisions of this chapter, may recover the amount so paid in an action against the company for money paid for their use, in which action the property of the company only shall be liable to be taken, and not the person or property of the stockholder.

SEC 23. No persons holding stock in any manufacturing company, as executors, administrators, guardians or trustees, and no person holding such stock as collateral security shall be personally subject, by virtue of such stock, to any liabilities as stockholders of such company; but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly, and the estates and funds in the hands of such executors, administrators, guardians and trustees shall be liable in their hands in like manner and to the same extent as the deceased testator or intestate, or the ward or person interested in such trust fund, would have been, if they had respectively been living and competent to act, and had held the same stock in their own names.

SEC. 24. Every such executor, administrator, guardian and trustee shall represent the shares or stock in his hands at all meetings

of the company, and may vote accordingly as a stockholder; and every person who shall pledge his stock as aforesaid, may nevertheless represent the same at all such meetings, and may vote accordingly as a stockholder.

SEC. 25. If by the terms of any act incorporating a manufacturing company, directors, managers or the like are not required to be chosen, and none are chosen under and by virtue of the by-laws of the corporation, the certificates required by the second, eleventh and fifteenth sections, signed and sworn to by the officers required to be chosen by the charter or by-laws, shall have the same effect as if signed and sworn to by the officer or officers, and a majority of the directors required in said second, eleventh and fifteenth sections.

SEC. 26. All manufacturing corporations now existing shall continue to exercise and enjoy their powers and privileges according to their respective charters, and to the laws in force at the time when the provisions of this chapter took effect as a law, and shall continue subject to all the liabilities to which they were subject at that time; excepting so far as the said powers, privileges and liabilities shall be modified or controlled by the provisions of this chapter; and the alteration of the law heretofore in force concerning such corporations shall not affect any rights that may have vested under the law, nor any liabilities heretofore incurred by the said corporations, or by the stockholders or officers thereof; and the charter of any corporation that shall be established under the provisions of this chapter, or that shall adopt the said provisions, may be revoked by the general assembly, for any cause which they shall deem sufficient.

SEC. 27. The provisions contained in this chapter may be amended or repealed, at the pleasure of the general assembly; but such amendment or repeal shall not take away or impair any remedy given against any such corporation, its members or officers, or enlarge or extend the liability of such corporation, its members or officers, for any debt or liability which shall have been incurred previous to such amendment or repeal.

CHAPTER 129.

OF INSURANCE COMPANIES.

SECTION

1. Foreign insurance companies not to insure property in this state until they comply with provisions of this chapter.
2. Shall appoint some citizen of this state attorney to accept service of process.
3. Copy of power to be filed with secretary.
4. Of new appointments.
5. Service of process, how made.
6. Who to be deemed an agent of foreign insurance company.
7. Agent shall deposit charter, &c., with general treasurer, before making contract of insurance.
8. Shall also deposit statement of affairs

SECTION
of company; what the statement shall contain.
9. What the statement of life, health, or live-stock insurance company shall contain.
10. Statement to be published.
11. Capital of foreign insurance company which may establish agencies.
12. Returns of agents to general treasurer.
13. Penalty for making false returns.
14. Agent to give bond.
15. Of the sign of such agent, and what shall be printed in policies.
16. What payments shall be deemed premiums.
17. Penalty on agent for effecting contract of insurance without complying with provisions of this chapter.
18. Penalty on company for neglecting to appoint attorney when notified.
19. Penalty upon person acting as agent without complying with provisions of this chapter.
20. Of the board of insurance commissioners.
21. Penalty upon agent for refusing to answer interrogatories.
22. Commissioners to prepare abstract of returns.
23. Compensation of commissioners.
24. Insurance companies incorporated in this state to make returns; penalties.
25. Attorney-general to enforce execution of provisions of this chapter.

SECTION 1. No fire insurance company, marine insurance company, fire and marine insurance company, life insurance company, health insurance company, or live-stock insurance company, unless incorporated by the general assembly, shall make any insurance on property within this state, nor contract for insurance with any party resident within this state, until such insurance company shall have complied with the provisions of this chapter.

SEC. 2. Every such insurance company shall, by a written power appoint some citizen of this state, resident therein, their attorney, with power and authority to accept service of all lawful process against such company in this state, and to cause an appearance to be entered in like manner as if such company had existed and been duly served with process within this state.

SEC. 3. A copy of such power of attorney, duly certified and authenticated, shall be filed with the secretary of state, and copies thereof, duly certified, shall be received in evidence in all courts of this state.

SEC. 4. If such attorney shall die, or resign, or be removed, it shall be the duty of such company to make a new appointment as aforesaid, and file a copy with the said secretary as above prescribed, so that at all times, and while any liability remains outstanding on such insurance, there shall be within this state an attorney authorized as aforesaid; and no such power of attorney shall be revoked until after a like power shall have been given to some competent person, and a copy thereof filed as aforesaid.

SEC. 5. Service of process upon such attorney shall be deemed sufficient service upon his principals.

SEC. 6. Every person who shall so far represent any insurance company, established in any other state or country, as to receive or transmit proposals for insurance, or to receive for delivery, policies founded on proposals forwarded from this state, or otherwise to procure insurance to be effected by such company for persons

residing in this state, shall be deemed and taken to be acting as agent for and undertaking to make insurance as agent for and in behalf of such company, and shall be subject to the restrictions and liable to the penalties herein made applicable to agents of such companies.

SEC. 7. Every such agent, before making any such contract of insurance as aforesaid, shall deposit with the general treasurer of this state a copy of the charter of the company or corporation for which he is agent as aforesaid, and a copy of the power of attorney given to him by such company, and shall pay to the general treasurer five dollars for the use of the state.

SEC. 8. Every such agent shall also, before making any contract of insurance as aforesaid, deposit with the general treasurer of this state, a statement, signed and sworn to by the president and secretary of the company for which he acts, specifying if such company is either a fire insurance company, marine insurance company, or fire and marine insurance company, the amount of its capital, and the manner of its investment, designating the amount invested respectively in mortgages, in public securities, in the stock of incorporated companies, (stating what companies,) and also the amount invested in other securities, particularizing each item of investment; the amount of marine risks not terminated, and the premium paid thereon; the amount of fire risks not terminated, and the premium paid thereon; the amount of liabilities, specifying therein the amount of outstanding claims, adjusted or unadjusted, due or not due, and in case said company is incorporated upon the mutual principle, said statement shall set forth, in addition to the foregoing, the whole amount of risks insured by the same; the whole amount of premium thereon; what portion of it has been paid in cash; what security has been taken for the remainder; and what is the largest sum insured in any one risk.

SEC. 9. If the company for which such agent acts is either a life insurance company, health insurance company, or live-stock insurance company, such agent shall also, before making any contract of insurance as aforesaid, deposit with the general treasurer a statement signed and sworn to by the president and secretary of the company for which he acts, specifying the amount of its capital and all its assets, and the manner of its investment, designating the amount invested respectively in mortgages, in public securities, in stock of incorporated companies, (stating what companies,) and also the amount invested in other securities, particularizing each item of investment; the amount insured by existing policies, the amount of liabilities, specifying therein the amount of outstanding claims, adjusted or unadjusted, due or not due, and the largest sum insured in any one risk.

SEC. 10. Such agent shall publish said statement for the space of three weeks in some newspaper printed in the county wherein he transacts the business of his agency; and shall also, on the first Monday of January in every year, deposit with the general treasurer, a similar statement of the capital of the company and the investments and risks and premiums as aforesaid, to be made up to

the first day of December, annually, signed and sworn to as before directed, and he shall cause said statement to be published in some newspaper printed in the county in which he has his place of business, for six weeks successively next after the return of said statement to the general treasurer as aforesaid.

SEC. 11. No person shall be allowed to act as agent as aforesaid for any such insurance company in making any contract of insurance with any person in this state, unless the capital stock of the company for which he acts, amounts to the sum of one hundred thousand dollars, actually paid in in money and invested, exclusively of any obligations of the stockholders of any description; nor unless said company shall be restricted, by its charter or otherwise, so that it cannot lawfully incur in any one risk a greater hazard than one tenth part of the amount of its capital.

SEC. 12. Every such agent shall, on the first Monday of January in every year during the continuance of his agency, make a return on oath to the general treasurer, of the amount insured or procured to be insured by him, in this state, as such agent, during the year preceding, and of the amount of premiums received and assessments collected during the said period; and shall, at the same time, pay to the general treasurer a tax of two per cent. on the amount of such premiums and assessments.

SEC. 13. If any such agent shall neglect to make such returns and payments as are prescribed by the preceding section, or if he shall make the same falsely or fraudulently, he shall be fined for every such offence not exceeding one thousand dollars.

SEC. 14. Every such agent shall, before making or procuring to be made any contract of insurance as aforesaid, give bond to the general treasurer, with two or more sureties, to be approved by him, in the sum of one thousand dollars at least, with conditions to make the annual returns before prescribed and to pay said tax.

SEC. 15. Every such agent shall exhibit, in conspicuous letters on the sign designating his place of business, the name of the state under whose authority the company he represents has been incorporated; and said company and agent shall have printed in large type the name of such state upon all policies issued to citizens of this state, on all cards, placards and pamphlets, and in all advertisements published, issued or circulated in this state by them or him relating to the business of such company.

SEC. 16. All payments made for policies, whether in money or by note, or other security, shall be taken and deemed to be premiums within the meaning of the twelfth section of this chapter.

SEC. 17. If any such insurance company shall make insurance without complying with the provisions of this chapter, the contract shall be valid; but any agent of such company acting within this state, respecting the effecting of any policy of insurance, shall be fined not exceeding one thousand dollars nor less than three hundred dollars; and all persons shall be deemed agents of such company, and acting as such, respecting the effecting of a policy of insurance within the meaning of this section, who are agents and do acts within the terms of the sixth section hereof.

SEC. 18. In case any such company, when thereto notified by the general treasurer, shall neglect to appoint an attorney, agreeable to the provisions of this chapter, such company shall not be entitled to recover any premium or assessment made by them on any contract of insurance with any citizen of this state until such company shall have complied with the provisions of this chapter.

SEC. 19. No person shall be allowed to act as agent of any such company, until such company and such agent shall have complied with all the requirements of the laws of this state relating to such companies and their agents, and every person so acting without such compliance shall be fined one thousand dollars.

SEC. 20. The secretary of state, state auditor and general treasurer, are hereby constituted a board of insurance commissioners; and it shall be their duty, annually, in the month of January, to examine the statements and returns required to be made by the companies and agents aforesaid; and if in their opinion any statement or return shall be obscure, defective or unsatisfactory, it shall be their duty immediately to require answers under oath, from the agent by whom such obscure, defective or unsatisfactory statement or return shall have been deposited or made, to such interrogatories as they may deem necessary or proper to be answered, in order to explain such statement or return, and exhibit a full and accurate view of the business and resources of the company represented by such agent.

SEC. 21. Any agent refusing or neglecting to answer such interrogatories for the space of thirty days, shall be deemed not to have complied with the provisions of the laws of this state; and if he continue to act as agent as aforesaid, shall be liable to the penalty prescribed in the nineteenth section hereof.

SEC. 22. Said commissioners shall prepare an abstract of the statements and returns made by such companies and their agents, which abstract shall be printed and laid before the general assembly in the month of January in each year.

SEC. 23. For any services rendered or expenses incurred by said commissioners in enforcing the provisions of this chapter, a reasonable compensation shall be allowed and paid by the general assembly.

SEC. 24. All stock, mutual, life, health and livestock insurance companies incorporated in this state are hereby required to make and publish the same statements and returns as are required of foreign insurance companies by sections eight, nine and ten of this chapter; and shall also be subject to the same penalties as would be incurred by said foreign insurance companies in case of the violation of the provisions of either of the said sections, except that the said returns shall be made up to the thirty-first day of December in each year, inclusive.

SEC. 25. It shall be the duty of the attorney-general to cause the provisions of this chapter to be executed and enforced.

CHAPTER 130.

OF RAILROAD CORPORATIONS.

SECTION
1. Railroad corporation to furnish reasonable accommodations for transportation of passengers and merchandise.
2. Supervision over management of roads, by whom maintained.
3. Bell to be placed on engine; when to be rung.
4. Of sign boards at crossings; inscription thereon.
5. Penalty and liability for neglecting to comply with above requisitions.
6. Speed of locomotives at crossings.
7. Penalty for violating provision regulating speed.
8. Passenger cars not to be placed between engine and cars loaded with dirt, &c.
9. Penalty.
10. Railroad corporation to give notice of accident to railroad commissioners.
11. Not to abandon station, except, &c.
12. No charge to be made for transshipment of merchandise on continuous lines.
13. Railroad corporations liable as common carriers.
14. Counsel fees to be recovered in certain cases.
15. Railroad companies to keep accounts of tolls, &c.
16. Stockholders entitled to inspect books.
17. Tenure by which railroad corporation may hold real estate.
18. Railroad built without charter or license a public nuisance.
19. Remedy by bill in equity against such railroad.
20. Duties of board of railroad commissioners.
21. Duty in case of accidents on railroads.
22. Powers of railroad commissioners.
23. Railroad commissioners to make report to general assembly.
24. Compensation of railroad commissioners.

SECTION 1. Every railroad corporation doing business, or owning any railroad, wholly or in part within the limits of this state, shall furnish reasonable and proper facilities and accommodations on the line of its road, within its limits, for the transportation of passengers and merchandise.

SEC. 2. It shall be the duty of the president and directors of every railroad corporation to maintain by themselves, or by an executive committee of the directors, a watchful supervision over the management of their roads.

SEC. 3. Every railroad corporation shall cause a bell of at least thirty-two pounds in weight to be placed on each locomotive engine passing upon their road; and the said bell shall be rung at the distance of at least eighty rods from the place where said railroad crosses any turnpike, highway or public way upon the same level with the railroad, and shall be kept ringing until the engine has crossed such turnpike or road.

SEC. 4. Every such railroad corporation shall cause boards to be placed, well supported by posts or otherwise, and constantly maintained, across each turnpike, highway or public way, where it is crossed by the railroad upon the same level therewith; the said posts and boards to be of such height as shall be easily seen by

travellers, without obstructing the travel; and on each side of said boards the following inscription shall be painted in capital letters, of at least the size of nine inches each, "Railroad Crossing — Look out for the Engine while the Bell rings."

SEC. 5. Any railroad corporation which shall unreasonably neglect or refuse to comply with the requisitions contained in the two sections next preceding, shall forfeit for every such neglect or refusal, not exceeding one thousand dollars; and said corporation shall also be liable for all damages sustained by any person by reason of such neglect or refusal on the part of the corporation.

SEC. 6. Every person driving a locomotive when approaching any crossing or junction of any two railroads, the rails of one of which cross or connect with the rails of the other at grade, shall stop said locomotive at some point within the distance of five hundred feet of such crossing or junction, and before reaching the same, and shall not drive said locomotive over said junction or crossing, after starting, at a greater rate of speed than six miles per hour.

SEC. 7. Any person violating the provisions of the next preceding section shall be fined one hundred dollars, and the railroad corporation in whose employment or upon whose railroad such person shall be, at the time of committing such offence, shall be fined three hundred dollars, unless such person shall commit such offence in violation of express orders to him from said corporation.

SEC. 8. No car or carriage for the transportation of passengers over any railroad in this state, shall be propelled on the rail when placed between the locomotive and cars loaded with dirt and stone.

SEC. 9. Any railroad corporation upon whose railroad, cars or carriages for the transportation of passengers, so placed, shall be propelled, shall be fined five hundred dollars, one half thereof to the use of the complainant, and the other half thereof to the use of the state.

SEC. 10. Every railroad corporation shall, within twenty-four hours after the occurrence of any accident attended with serious personal injury, give notice in writing of the same to the railroad commissioners; and any corporation wilfully neglecting or wilfully omitting to give the notice aforesaid, shall be fined one hundred dollars for every day that such neglect or omission shall continue.

SEC. 11. No railroad corporation shall abandon any depot or station, which is on its road, and in this state, after the same has been established for twelve months, except by act of the general assembly, but such corporation may establish depots or stations to be used only during such months of each year as they may designate, by notice put and kept up in some conspicuous place at the depot or station so established, specifying the months during which the said depot or station will be used.

SEC. 12. When merchandise is transported over any portion of two roads which form a connecting line, and the tracks of which so unite that cars can pass from one to the other, no charge shall be made for the loading or unloading, or for the carriage of the

said merchandise from the cars of one of said railroads to the cars of the other.

SEC. 13. Any railroad company whose business it is to receive articles for transportation shall be entitled to the same rights, and be subject to the same liabilities as common carriers; and whenever two or more railroads are connected together within this state, any company running either of said roads shall receive articles for transportation to any place on the line of either of said roads so connected, and shall be liable as common carriers for the delivery of such articles, at such place. In case any such company shall become liable to pay any sum by reason of the neglect or misconduct of any other company or companies, the company paying such sum may collect the same of the company or companies by reason of whose neglect or misconduct it became so liable.

SEC. 14. If any person having lawful claims upon any railroad corporation for overcharge for freight or passage, or for injury or loss of merchandise, or for damage by unlawful or unwarrantable delay in the transportation or delivery of the same, or for injury to the person, or for the refusal to transport or deliver persons or property, shall give written notice of the same, addressed to the president or treasurer, or master of transportation of said road, and delivered to either of said officers, or to any agent having charge of any depot of said corporation, fourteen days previous to commencing suit for the same, and the corporation neglect or refuse to pay the said lawful claim, then the complainant, if he recover more than the amount (if any) tendered by said corporation, shall also recover reasonable compensation for his counsel's services, to be allowed by the court in addition to the actual damage; and if a less amount shall be recovered, then a reasonable allowance shall be made by the court for the services of the counsel of the corporation, to be taxed in addition to, and to be allowed with, the defendant's costs of defence as now taxed and allowed by law.

SEC. 15. Every railroad corporation shall keep an account of the toll, freight and passage money actually received at their depots and offices of receipt, and keep the same at all times in readiness for the examination of the general assembly, or any committee or board of commissioners that may be appointed by said assembly.

SEC. 16. Any stockholders of any railroad corporation, incorporated within this state, shall be entitled, at all reasonable times, to an examination of the books, papers and accounts of the corporation in which he is a stockholder; and if any clerk or other officer of any railroad corporation, having the custody of the books, papers and accounts of said corporation, shall refuse to permit any stockholder in such corporation to inspect the books, papers and accounts thereof, the person so offending shall forfeit one hundred dollars.

SEC. 17. No railroad corporation shall be capable in law to hold any land in this state, in fee or for life or lives, for terms of years, or by any other title or tenure, for any other use than such as is provided in the charter of such corporation; but nothing herein contained shall be construed to affect any title already acquired by

any such corporation, in conformity to power contained in its charter.

SEC. 18. Any railroad, or portion of a railroad, built in this state for public use, by itself, or in connection with any other railroad, without charter or license, from the general assembly first had and obtained, is declared to be a public nuisance.

SEC. 19. In addition to the remedy by indictment for such nuisance, the attorney-general shall, for the purpose of abating any such nuisance, file on the part of the state in the supreme court, a bill in equity against any person or corporation who may build any such railroad or portion of a railroad, and said court shall take jurisdiction of, hear, determine, decree and proceed thereon, according to the course of equity in cases of private nuisance.

SEC. 20. It shall be the duty of the board of railroad commissioners whenever a majority of them shall deem it expedient, personally to examine into the transactions and proceedings of any railroad corporation that now is, or hereafter may be authorized and established in this state, in order to secure to all the inhabitants the same and equal privileges of transportation of persons and property at all times, that may be granted, either directly or indirectly by any such corporation, to the inhabitants of any other state; and ratably in proportion to the distance any such person, or property may be so transported; and to inquire into any contract, understanding or agreement, by which any railroad company shall attempt to transfer or give to any steamboat company or to any steamboat any preference over any other steamboat company or boat, either as to freight or passage, contrary to the true intent and meaning of this chapter; to inquire and report to the general assembly from time to time, whether such facilities and accommodations as are required by the first section of this chapter are furnished, and into all the other acts and doings of any such corporation whereby the rights and privileges of this state or of any of its citizens may be affected.

SEC. 21. The railroad commissioners shall, upon receiving notice from any railroad corporation of any accident on said railroad, or upon public rumor of such accident, repair, or despatch one of their board to the scene of said accident, and inquire into the facts and circumstances thereof; and it shall be the duty of said commissioners, without charge, to furnish any person injured, or the friends of any person killed, any information they may have acquired in relation to any disaster, and the names of persons from whom the same was obtained, and by whom the same may be proved.

SEC. 22. It shall be competent for the board of commissioners, in the discharge of their duty under this chapter, whenever they shall deem it proper, to send for persons and papers, and to examine witnesses under oath, which oaths the commissioners may administer, and to issue all necessary and proper process for the purpose aforesaid.

SEC. 23. It shall be the duty of said board of commissioners as often as twice every year, and oftener if they deem it necessary, to report to the general assembly the state, condition and proceedings

of the several railroad corporations, so far as the public interests may require the same.

SEC. 24. The commissioners shall be allowed, as a compensation for their services, from time to time, upon the presentation of their accounts to the general assembly, such sum as the general assembly may think proper.

CHAPTER 131.

OF TURNPIKE AND TOLL-BRIDGE CORPORATIONS.

SECTION
1. Lands to be held by bridge and turnpike corporations.
2. Provision in case bridges and turnpikes are not kept in repair.
3. Accounts to be kept of tolls received.
4. Penalty for exacting more than legal toll.

SECTION 1. No turnpike corporation or bridge corporation shall be capable in law to hold any land in this state in fee or for life or lives or for term of years, or by any other title or tenure, for any other use than such as is provided in the charter of such corporation; but nothing herein contained shall be construed to affect any title already acquired by any such corporation, in conformity to power contained in its charter.

SEC. 2. If at any time any turnpike-road or toll-bridge shall not be in suitable and proper repair, any justice of the supreme court, upon complaint to him made for that purpose, may cause the gate or gates on said road or bridge to be opened; and to remain open until in the opinion of the said justice, the said road or bridge shall be put in proper and suitable repair; and the cost of said complaint shall be paid by the company owning said road or bridge, if in the opinion of the said justice the same shall be well founded; otherwise by the complainant.

SEC. 3. Each turnpike-road and toll-bridge corporation shall keep an accurate account of the toll actually received at its gate or gates, and have such account at all times in readiness for the examination of the general assembly.

SEC. 4. The keeper of every toll-gate on any turnpike-road or toll-bridge, who shall hereafter demand and receive any greater toll for passing through the gate whereof he is keeper than is by law allowed, shall forfeit to the use of the complainant for the first offence not less than two dollars, nor more than five dollars; and for each and every subsequent offence, twenty dollars.

CHAPTER 132.

OF VOLUNTARY ASSOCIATIONS.

SECTION

1. For what purposes certain corporations may be formed.
2. How such corporations shall be formed.
3. How the first meeting shall be held, &c.
4. Corporate name may be adopted.
5. Notice of formation of corporation to be given, how.
6. What property such corporations may hold, &c.
7. Powers and liabilities of such corporation.

SECTION 1. Any five or more persons may associate themselves together and become a corporation for either of the following purposes: —

First. To establish and maintain literary and scientific associations.

Second. To promote knowledge and skill among the members by the establishment of a library, lyceum, musical, agricultural, literary or scientific association.

Third. To organize fire-engine companies.

SEC. 2. Every such association shall be formed by written articles, specifying the object of the association, and the conditions on which it is formed and subscribed by each member thereof.

SEC. 3. The first meeting shall be notified, organized, and holden in the manner prescribed in the articles of association.

SEC. 4. Any such association may adopt a corporate name, either in the original articles or by vote at the first meeting thereof.

SEC. 5. Any such corporation shall give public notice of its formation, name and object, by publishing such notice three weeks successively, in some newspaper printed in the county in which such association is formed, or if no newspaper is published in such county then in some adjoining county; — and by causing its articles of association and any alteration thereof to be recorded in the town clerk's office of the town where such association is formed.

SEC. 6. Any such corporation may take, hold, transmit and convey real and personal estate to any amount not exceeding five thousand dollars, in addition to the value of its building, and the lot whereon it stands, and of its books, maps, pictures and library furniture.

SEC. 7. When such corporation shall be organized, it shall have all the powers and privileges and be subject to all the duties and liabilities of a corporation organized according to the provisions of the one hundred and twenty-fifth chapter, so far as the said provisions shall be applicable in such case and not inconsistent with this chapter.

CHAPTER 133.

OF PROPRIETORS OF COMMON AND UNDIVIDED LANDS.

SECTION 1. Powers of proprietors of common and undivided lands.

WHEREAS, there is still remaining within several of the towns of this state, lands belonging to the original proprietors thereof, lying common or undivided, for the better government of said proprietors, the management of their prudential affairs, the more just and equal division of said lands, and the allotments thereof, and the preservation of the boundaries of the same:

SECTION 1. It shall be lawful for the proprietors of the several towns within this state, being convened by warrant specifying the occasion thereof, under the hand and seal of a justice of the peace of said town, to choose a clerk and a surveyor or surveyors, and such other officers, as they shall judge necessary for the orderly carrying on and management of their affairs, and in like manner to proceed from time to time as shall be necessary.

TITLE XX.

Of the Domestic Relations.

CHAPTER 134. Of marriage.
CHAPTER 135. Of husband and wife.
CHAPTER 136. Of the property of married women, and of the disposition of the same.
CHAPTER 137. Of divorce.
CHAPTER 138. Of guardian and ward.
CHAPTER 139. Of masters, apprentices, and of factory and other laborers.

CHAPTER 134.

OF MARRIAGE.

SECTION
1. What kindred a man cannot marry.
2. What kindred a woman cannot marry.
SECTION
3. Marriage within prohibited degrees, void.

SECTION
4. Exception in favor of Jews.
5. Marriage of married person, idiot or lunatic, void.
6. Marriage between a white, Indian, negro or mulatto, void.
7 and 8. Who may join in marriage.
9. Certificate required from parties previous to marriage.
10. Right to object to marriage.
11. Penalty for joining in marriage without certificate, or after objection.
12. Penalty for joining in marriage one already married.
13. Penalty for being married contrary to directions of this chapter.
14. Witnesses to marriage, how many.
15 and 16. Of marriages of Quakers and Jews, and of certificate required, in case of, and of penalty for not delivering same.

SECTION 1. No man shall marry his mother, grandmother, daughter, son's daughter, daughter's daughter, stepmother, grandfather's wife, son's wife, son's son's wife, daughter's son's wife, wife's mother, wife's grandmother, wife's daughter, wife's son's daughter, wife's daughter's daughter, sister, brother's daughter, sister's daughter, father's sister, mother's sister.

SEC. 2. No woman shall marry her father, grandfather, son, son's son, daughter's son, stepfather, grandmother's husband, daughter's husband, son's daughter's husband, daughter's daughter's husband, husband's father, husband's grandfather, husband's son, husband's son's son, husband's daughter's son, brother, brother's son, sister's son, father's brother, mother's brother.

SEC. 3. If any man or woman shall intermarry within the degrees aforesaid, every such marriage shall be null and void; and the issue thereof shall be deemed and adjudged illegitimate, and be subject to all the disabilities of such issue.

SEC. 4. The above shall not extend to, or in any way affect any marriage which shall be solemnized among the Jews, within the degrees of affinity or consanguinity allowed by their religion.

SEC. 5. All marriages when either of the parties have a former wife or husband living at the time of such marriage, or where either of them shall be an idiot or lunatic at the time of such marriage, shall be absolutely void; and no dower shall be assigned to any widow in consequence of such marriage, and the issue shall be deemed illegitimate, and be subject to all the disabilities of such issue.

SEC. 6. All marriages between a white person and a negro, Indian or mulatto, shall be absolutely null and void; and the person joining them in marriage shall be subject to a penalty of two hundred dollars.

SEC. 7. Any ordained minister or elder of any religious denomination who shall be domiciled in this state, and either justice of the supreme court may join persons in marriage in any town of the state.

SEC. 8. Wardens of the town of New Shoreham may join persons in marriage in said town.

SEC. 9. No minister, elder or magistrate shall join any persons in marriage unless such persons shall, previous thereto, sign and deliver to such minister, elder or magistrate, a certificate setting forth

the names and surnames of the parties, the age, color, occupation, birthplace and residence of each, whether either or both have been before married, and if before married, whether the marriage intended is the first, second, third, or other marriage, and the names, occupations and birthplace of each of their parents.

SEC. 10. If any person shall have any lawful objection to the marriage of any two persons, he may state the same in writing, under his hand, to the minister, elder or magistrate about to solemnize the same, whereupon such minister, elder or magistrate shall proceed no farther in such marriage, until such lawful objection be removed.

SEC. 11. Every minister, elder or magistrate who shall be convicted of joining persons in marriage, without first receiving the certificate required by the ninth section of this chapter, and containing the information therein required, or when the solemnization of such marriage has been lawfully objected to, and the impediment is not removed, shall be imprisoned not exceeding six months, or fined not exceeding one thousand dollars.

SEC. 12. Every person authorized by law to join persons in marriage, who shall be convicted of marrying any man or woman whom he knows to have a husband or wife living, or whom he knows has had a husband or wife, and does not know that such husband or wife is dead in fact or in law, or that the person offering to be married has been lawfully divorced, shall be imprisoned not exceeding six months, or fined not exceeding one thousand dollars.

SEC. 13. Whoever shall be married without duly proceeding, as by this chapter is required, shall be fined not exceeding fifty dollars.

SEC. 14. The solemnization of marriage shall be in the presence of two witnesses at least, besides the minister, elder or magistrate officiating.

SEC. 15. Any marriage which may be had and solemnized amongst the people called Quakers or Friends, in the manner and form used or practised in their societies, or amongst persons professing the Jewish religion according to their rites and ceremonies, shall be good and valid in law.

SEC. 16. The parties to any marriage solemnized in the manner prescribed in the next preceding section, or one of them, shall, before the celebration thereof, sign and deliver to the town clerk or register of births, deaths and marriages of the town in which such marriage is celebrated, the certificate required by the ninth section of this chapter, specifying the facts therein mentioned, or shall be imprisoned not exceeding six months, or be fined not exceeding one thousand dollars.

CHAPTER 135.

OF HUSBAND AND WIFE.

SECTION
1. When a married woman may transact business, &c., in her own name.
2. When, have exclusive custody of minor children.
3. When, make deeds, &c.
4. When, be sued as if unmarried.
5. Of rights of husband afterwards coming into the state.
6. Of rights of woman divorced during separate residence.
7. Of petition of husband to change custody of infant children, in case of divorce during separate residence.
8. Of appointment of guardians to children in such case.

SECTION 1. When any married woman shall, or shall have, come from any other state or country into this state without her husband, he never having lived with her in this state, and she shall continue or shall have continued to reside in this state, without her said husband, for the space of one year continuously, she may afterwards, during her separate residence therein, transact business, make contracts, prosecute and defend suits in her own name, and dispose of such of her property which she may acquire by her own industry or otherwise.

SEC. 2. Such married woman shall have the exclusive care, custody and guardianship of her minor children, if any be living with her, in like manner, and in all respects as if she were unmarried.

SEC. 3. She may make and execute any deeds and other instruments in her own name, and do all other lawful acts that may be necessary or proper to carry into effect the power granted to her.

SEC. 4. She shall be liable to be sued as if she were unmarried, upon all contracts, and for all other acts made or done by her after the expiration of said term of one year.

SEC. 5. If the husband of any such woman shall afterwards come into this state and claim his marital rights, his arrival here shall have the same effect with regard to any suit then pending in which she is a party, except to abate the same, and to any contract or business transacted by her under the power granted in the foregoing sections, as if they had been first married at the time of his arrival here, and shall have no other effect.

SEC. 6. If during her separate residence such married woman shall have obtained a decree of divorce against her said husband, under the laws of this state, or if her said husband, previous to his coming into this state, shall have caused the marriage contract to be dissolved by an act or decree of divorce obtained against her in any state or country in any suit or proceeding to which she is not a voluntary party nor present thereat, so as to have like opportunity of defence as she would have if such suit were brought against her in this state, she shall not thereafter be liable in this state, if resident therein for the space of six months, to be deprived by her late husband of her separate earnings therein, nor of any

property not derived from him, which she may have lawfully acquired or possess, nor of the custody of any infant child.

SEC. 7. If, however, upon petition of her late husband to the supreme court, in the county where she resides, served upon her by copy, thirty days at least before the sitting of the court, and setting forth substantially the whole subject-matter of complaint against her, it shall be made to appear by evidence that she is not a person of good moral character, suitable to have charge of her children, the court may in its discretion, having regard to the well being of the infant, order its custody to be changed.

SEC. 8. The supreme court, upon application of any such woman, either before or after said divorce, on her giving satisfactory evidence of her having resided one year in this state next before said application separate from her husband, and without being supported by him, may appoint a guardian of the person and estate of said children, in the same manner that courts of probate are now authorized to appoint guardians of minors.

CHAPTER 136.

OF THE PROPERTY OF MARRIED WOMEN, AND OF THE DISPOSITION OF THE SAME.

SECTION
1. Property of married woman, how far secured to her separate use.
2. Proceeds of sale of her property, how far secured.
3. Receipt by husband of her rents and profits, when a discharge; and of receipt of wife.
4 and 5. Deed conveying personal property of wife, how to be executed.
6. Deed conveying real property of wife, how to be executed.
7. Wife's acknowledgment of such deed, how taken.
8. Of effect of wife's refusal to acknowledge.
9. Power of attorney of wife to convey, how acknowledged.
10 and 11. Dower of wife, by what conveyances barred.
12. Of wills of married women.
13. Husband's right by curtesy, and to administer, saved.
14. Property of married women liable for their debts.
15. Actions in relation to property of married woman, how brought.
16. Effect of recovery in such actions.
17. Trustees of property of married woman, how appointed.
18. Trustees of, how removed.
19. Effect of preceding sections, how limited.
20. Life policy for benefit of married woman, when valid and how sued.
21. Of trustee of interest of woman in such policy.
22. Of descent of real estate of female citizen married to an alien.

SECTION 1. The real estate, chattels real, and personal estate which are the property of any woman before marriage, or which may become the property of any woman after marriage, or which may be acquired by her own industry, shall be so far secured to her sole and separate use, that the same, and the rents, profits and income thereof, shall not be liable to be attached, or in any

way taken for the debts of the husband, either before or after his death; and upon the death of the husband in the lifetime of the wife, shall be and remain her sole and separate property.

SEC. 2. In case of the sale of any such property, the proceeds of such sale, or any part of the same, may be invested in the name of the wife in any property, and be secured to and holden by the wife in the same manner and with the same rights and effect as the property sold.

SEC. 3. The receipt or discharge of the husband for the rents and profits of such property, shall be a sufficient receipt or discharge therefor, unless previous notice in writing shall be given by the wife to the lessee, debtor or incorporated company, from whom such rents or profits are payable; in which case the sole and separate receipt or discharge of the wife shall alone be a sufficient receipt and discharge therefor, and the receipt of the wife shall, in all cases be a sufficient discharge for the payment or delivery to her, of her own property.

SEC. 4. The chattels real, household furniture, plate, jewels, stock or shares in the capital stock of any incorporated company, money on deposit in any savings bank or institution for savings, with the interest thereon, or debts secured by mortgage on property, which are the property of any woman, before marriage, or which may become the property of any woman after marriage, shall not be sold, leased or conveyed by the husband, unless by deed, in which the wife shall join as grantor; which deed shall be acknowledged in the manner hereinafter provided for the conveyance of the real estate of married women.

SEC. 5. Any married woman may sell and convey any of her personal estate other than that described in the next preceding section, in the same manner as if she were single and unmarried; and may make contracts respecting the sale and conveyance thereof, with the same effect, and with the same rights, remedies and liabilities as if such contracts had been made before marriage; but nothing in this section shall be construed to authorize any married woman to transact business as a trader.

SEC. 6. Where the husband and wife being of lawful age are seized of any lands, tenements or other real estate in the right of the wife, they shall be authorized to convey the same by deed or other instrument in writing, signed, sealed and delivered by them respectively.

SEC. 7. In every such case the wife acknowledging such deed or instrument shall be examined privily and apart from her husband; and shall declare to the officer taking such acknowledgment, that the deed or instrument shown and explained to her by such magistrate is her voluntary act, and that she doth not wish to retract the same.

SEC. 8. If the wife on such privy examination shall refuse to make such acknowledgment, the deed or other instrument executed by the husband and the wife as aforesaid, shall not operate to convey to the grantee named in such deed or instrument, any other or greater estate in the premises described in such deed than what belongs to the husband.

SEC. 9. If such deed, or any deed affecting her right of dower in any estate of her husband during his life, be executed by attorney of the wife, the letter of attorney shall be executed and acknowledged with like formalities as are required in the execution and acknowledgment of a deed by a husband and wife of an estate held in the right of the wife.

SEC. 10. A married woman may bar her right of dower in any estate conveyed by her husband by joining with him in the deed conveying the same, and therein releasing her claim to dower; or by releasing the same by subsequent deed jointly with her husband, or by joining in a deed given by a guardian of her husband.

SEC. 11. She may also bar her right of dower in any estate in which the interest of her husband has been before conveyed, by a deed thereof executed by her in the presence of two witnesses, and acknowledged by her after a separate examination and an explanation of the deed to her, in the same manner as is required by law for a conveyance of real estate owned by her in her own right.

SEC. 12. Any married woman of sane mind, and of twenty-one years of age and upwards, may dispose of her real estate, or any portion of the same, and being of the age of eighteen years and upwards, may dispose of her personal estate, or any portion of the same, by last will and testament, executed in the manner in which other wills are required to be executed, for disposition of like property.

SEC. 13. The right of the husband in the real estate of the wife as tenant by the curtesy, and his right to administer without account upon her personal estate not disposed of by her last will and testament, shall not be impaired by the provisions of this chapter; nor shall any thing herein contained authorize him to give unto, or settle any of his property upon his wife, in any other manner or with any other effect than is by general law allowed.

SEC. 14. The property secured to any married woman by this chapter shall be liable to attachment or levy for her debts, contracted before marriage, and for her liabilities on such contracts as she is authorized to make by the fifth section of this chapter, under the same circumstances, and with the same effect, as if she had continued sole and unmarried; and nothing in this chapter contained shall be construed to impair any lien or right of lien thereon, or any remedy by law provided for the enforcement thereof.

SEC. 15. In all actions relating to the property of any married woman secured to her by this chapter, the husband and wife shall jointly sue and be sued, except in case a trustee of the same be appointed as hereinafter provided, and except in actions upon such contracts as she is authorized to make by the fifth section of this chapter, in which last case the wife may sue and be sued alone.

SEC. 16. In case of recovery by any husband and wife, or wife, in any such action, the amount recovered may be invested in the name of the wife, in any property, with the same rights and effect as if the same had remained in the possession of the wife,

whether the right of action accrued before or after marriage; and all such actions and rights of action shall survive the death of either husband or wife.

SEC. 17. The supreme court may, upon petition in equity by any married woman, filed by her through her next friend, appoint a trustee or trustees of her property, who shall be empowered, in his or their own name or names, as trustee or trustees, to sue for, recover and hold such property, to the uses by law provided; said trust to continue during the coverture of such married woman, unless by order of said court sooner determined.

SEC. 18. Said court shall have power to remove such trustee or trustees and to appoint others in their stead, as in case of other trusts.

SEC. 19. Nothing in the preceding sections of this chapter shall be construed to deprive any husband of rights acquired by him over the property of his wife prior to the time when the digest of 1844 went into operation.

SEC. 20. Any policy of insurance, the annual premium upon which shall not exceed the sum of three hundred dollars, made by an insurance company on the life of any person, and expressed to be for the benefit of a married woman, whether the same be effected by herself or by her husband, or by any other person on her behalf, shall enure to her separate use and benefit and that of her children, if any, independently of her husband and of his creditors and representatives, and also independently of any other person effecting the same on her behalf, his creditors and representatives, and such policy may be sued in the name of the person beneficially interested therein, or in the name of the representative of such person.

SEC. 21. A trustee or trustees may be appointed by any court authorized to appoint trustees, to hold and manage the interest of any married woman in any such policy or the proceeds thereof.

SEC. 22. Real estate in this state now belonging to, or hereafter coming, or descending to any woman born in the United States, or who has been otherwise a citizen thereof, shall upon her death, notwithstanding her marriage with an alien, and residence in a foreign country, descend to her lawful children of such marriage, if any, and their descendants, in like manner and with like effect, as if such children or their descendants were native born or naturalized citizens of the United States.

CHAPTER 137.

OF DIVORCE.

SECTION
1. Of divorces in case of marriages originally void or voidable or where a party is civilly or presumptively dead.

SECTION
2. Causes of divorce *a vinculis*.
3. When occasioned by collusion.
4 and 5. Effect of divorce obtained by husband, upon property of wife in different cases.
6. Of allowance to divorced wife out of her property.
7. Effect of divorce obtained by wife, upon her property.
8. Of allowance to wife out of property of husband.
9. Discretion of court as to restoration to and alimony of wife, in case of issue living.
10. Of divorces from bed and board.
11. Of separate maintenance, in case of.
12. Jurisdiction over divorce, alimony, &c., where vested.
13. Residence of petitioner for, what.
14. Where such petitions filed and tried.
15. Of power of supreme court over notice in such petitions.
16. Power of supreme court over custody, maintenance, &c., of children.
17. Power of supreme court to change name of woman divorced.
18. Of interlocutory decrees on petitions for divorce, alimony, &c.

SECTION 1. Divorces from the bond of marriage shall be decreed in case of any marriage originally void or voidable by law; and in case either party is for crime deemed to be or treated as if civilly dead, or from absence or other circumstances may be presumed to be naturally dead.

SEC. 2. They shall also be decreed for impotency, adultery, extreme cruelty, wilful desertion for five years of either of the parties, or for such desertion for a shorter period of time in the discretion of the court, for continued drunkenness, for neglect or refusal on the part of the husband, being of sufficient ability, to provide necessaries for the subsistence of his wife; and for any other gross misbehavior and wickedness in either of the parties, repugnant to and in violation of the marriage covenant.

SEC. 3. When it shall appear that the absence, adultery, cruelty, desertion or other cause of complaint as aforesaid, was committed or occasioned by the collusion of the parties, and done or contrived with an intention to procure a divorce, in such case no divorce shall be decreed.

SEC. 4. When a divorce shall be had for the causes of affinity, consanguinity, impotency, idiocy, lunacy or crime of either of the parties, the wife shall have restored to her all her lands, tenements and hereditaments; and a judgment may be passed for a restoration to her of all or such part of the personal estate specifically, or the value thereof, which has come to the husband's hands by virtue of the marriage, as the court from the circumstances of the case shall deem equitable.

SEC. 5. When the divorce shall be occasioned by adultery, or other of the causes aforesaid done or committed on the part of the wife, the husband shall hold the personal estate not secured to her by law, forever, and her real estate not secured to her by law, during his natural life, in case they have had issue born alive of her body during the marriage, otherwise during her natural life only, if he shall survive her.

SEC. 6. The court may, in such case, allow the wife for her subsistence, so much of her real and personal estate as they shall deem necessary or proper.

SEC. 7. When a divorce shall be had for cause of adultery or for any of the causes aforesaid done or committed on the part of the husband, the wife shall continue to hold all her property real and personal, secured to her by law, free from any right in, or control over, her disposition of the same, either during her life or at her death; and, if there be no issue living, shall be restored to all other her lands, tenements and hereditaments, if any there be.

SEC. 8. In such case the wife shall also be allowed out of the real or personal estate of the husband, or out of both, such alimony as the court shall think reasonable, not exceeding the use of one moiety of his real estate during the life of the wife, and the property of one half of his personal estate, having regard to the personal property which came to the husband by the marriage, and his ability.

SEC. 9. If there be issue living at the time of the divorce, the court, with regard to ordering restoration to the wife of such of her lands, tenements or hereditaments, if any, as may not be secured to her by law, and in regard to the amount of alimony to be allowed to her out of the property of the husband, may do as they shall judge the circumstances of the case may require.

SEC. 10. Divorces from bed, board and future cohabitation until the parties be reconciled, may be granted for any of the causes for which by law a divorce from the bond of marriage may be decreed, and for such other causes as may seem to require the same.

SEC. 11. In case of such divorce, the court may assign to the petitioner a separate maintenance out of the estate or property of the husband or wife, as the case may be, in such manner, and of such amount, as they may think necessary or proper.

SEC. 12. All jurisdiction over divorce, alimony, separate maintenance, or the custody, education and support of the children of persons divorced or petitioning for a divorce, is vested in the supreme court.

SEC. 13. Said court shall have no cognizance of or jurisdiction over any petition for the same, or either of the same, unless the petitioner shall, at the time of preferring such petition, be a domiciled inhabitant of this state, and have resided therein for the period of one year next before the preferring of such petition.

SEC. 14. All such petitions shall be filed, heard and tried in the county in which the petitioner shall reside.

SEC. 15. The said court may, by general rule or otherwise, prescribe the notice to be given, within or without the state, on such petitions, and may issue such process as may be necessary to carry into effect all powers conferred upon them in relation to the same.

SEC. 16. The said court is empowered to regulate the custody and provide for the education, maintenance and support of the children of all persons by them divorced or petitioning for a divorce, and of all persons to whom a separate maintenance may be granted or who may petition for the same; to make such allowance to the wife out of the estate of the husband, for the purpose of enabling her to prosecute or defend against any such petition for divorce or separate maintenance, in case she has no property

of her own, as they may think reasonable and proper; and to make all necessary orders and decrees concerning the same, and the same at any time to alter, amend and annul for sufficient cause, after notice to the parties interested therein.

SEC. 17. The said court may authorize a married woman to whom a divorce from the bond of marriage is decreed, to change her name, with the same rights and liabilities as if her name had not been changed.

SEC. 18. After the filing and during the pendency of any petition for divorce, whether from the bond of matrimony, or from bed and board, or for alimony, or for the custody, support or education of children, or for any change or alteration in a decree for the same, any justice of said court may, in vacation, upon reasonable notice and proof, make such interlocutory decrees or grant such temporary injunctions as may be necessary, until a hearing can be had before the court.

CHAPTER 138.

OF GUARDIAN AND WARD.

SECTION

1. Who may appoint guardian by will.
2. Of power of courts of probate to appoint.
3. Of appointment of guardians of minors under fourteen.
4 and 5. Of appointment of guardians of minors of fourteen and upwards.
6. Of appointment of guardians of non-residents.
7. Of appointment of guardians of idiots, indiscreet persons, &c.
8. Who may be guardian.
9. Of guardian's bond.
10. Of additional bond or sureties.
11. Of removal and resignation of guardian.
12. Of applications to court for appointment, removal, &c., of guardians.
13. Of contracts, &c., of intended ward after notice of application for guardianship.
14 and 15. Notices to be given by guardian, when appointed.
16. Inventory to be exhibited by guardian.
17. List of claims against ward to be exhibited by guardian.

SECTION

18. Duty of guardian as to estate and debts of ward.
19 and 20. Of application for leave to sell real &c., estate, of ward.
21. Of accounting by guardian.
22. What a breach of his bond.
23. Bond of guardian, how sued.
24. Creditors of ward, when to present claims to guardian.
25. Suit against guardians, when may be brought.
26. Power of guardian to enter into a submission.
27. Demands against ward owing, but not due, entitled to dividend.
28 and 29. Duty of guardians as to persons, education and estates of wards and their children.
30. Duty to apply for sale of real estate of ward, when his income insufficient for support.
31. Property of minor not chargeable with his support, in relief of his father.
32. Allowances to guardians.
33. Settlement of accounts of, when final.

SECTION 1. Every person authorized by law to make a will, shall have a right to appoint by his will, a guardian or guardians for his children during their minority.

SEC. 2. The court of probate of each town, whenever occasion shall require, may appoint guardians to minors and others.

SEC. 3. When any minor under the age of fourteen years shall reside or have a legal settlement in any town, the court of probate of such town shall have the right to appoint a guardian of the person and estate, or of the person or estate, of such minor.

SEC. 4. When any minor, being of the age of fourteen years or upwards, shall reside or have a legal settlement in any town, the court of probate of such town shall have the right to approve of any guardian chosen by such minor.

SEC. 5. If any such minor shall neglect to choose a guardian, being cited by such court so to do, or shall choose one of whom such court shall not approve, or one who shall neglect to give bond as is hereinafter required, within the time appointed by such court, in each of such cases said court may appoint a guardian for such minor, as if he were under the age of fourteen years.

SEC. 6. Any court of probate, if occasion shall require, may appoint or approve the choice of a guardian over the estate or property of a person, whether minor or other, who shall reside without the state and possess property or estate therein.

SEC. 7. Whenever any idiot or lunatic, or person non compos mentis, or any person who for want of discretion in managing his estate, shall be likely to bring himself and family to want, and thereby to render himself and family chargeable, shall reside or have a legal settlement in any town, the court of probate of such town shall have the right to appoint a guardian of the person and estate of such person.

SEC. 8. No person shall be capable of being appointed or approved as guardian of a minor, resident in this state, who is not at the time of his appointment himself resident therein.

SEC. 9. Every guardian appointed by will, unless the testator otherwise specially direct by his will, or appointed by a court of probate, shall, before he proceed to act as such, give bond to the court of probate appointing him, in such sum as they shall require, and with sureties satisfactory to them; with condition that within three months after his appointment, he will exhibit under oath to the court of probate, an inventory in writing of all the real and personal estate of his ward, which shall come to his possession or knowledge; that he will faithfully and duly discharge his trust according to law, and render a just and true account of his doings therein to such court annually, or whenever he shall be by said court thereunto required, or to his ward whenever he shall arrive at the age of twenty-one years, or whenever said guardianship shall be removed.

SEC. 10. Any court of probate may require additional bond or sureties of any guardian appointed or approved of by them, whenever they shall think proper, and in case of neglect or refusal to give the same, may remove such guardian from his trust.

SEC. 11. The court may also remove, in the manner prescribed by law, any such guardian who, by reason of absence, sickness, insanity or other cause, shall become incapable of executing his trust, or who shall neglect or refuse to do the duties thereof, or who shall waste the estate of his ward; and they shall accept the resignation of any guardian, after he shall have accounted with said court for the estate of his ward in his hands.

SEC. 12. Every application to any court of probate for the approval, appointment or removal of a guardian, and every resignation of the trust of a guardian, shall be in writing.

SEC. 13. After the setting up of the required notice in the town clerk's office, and after notice to the intended ward, all contracts, bargains and conveyances made by such intended ward, until the final action of the court of probate on the application, shall be null and void; and all contracts, bargains and conveyances made by any persons under guardianship shall be utterly void.

SEC. 14. Upon the appointment or approval of any guardian as aforesaid, he shall give immediate notice thereof by advertisement, six successive weeks, in some newspaper printed in this state.

SEC. 15. He shall also, at the same time, notify the creditors of his ward to exhibit their claims within six months from the date of said notice.

SEC. 16. Within three months after his appointment, he shall exhibit under oath to the court of probate an inventory of all the real and personal estate of his ward, to be taken by three suitable persons appointed by the court of probate, and sworn before said court or any magistrate to the faithful discharge of that trust.

SEC. 17. He shall also, before making payment to any one, exhibit to said court a list of all the claims presented against his ward, noting thereon such as are allowed by him, and such as are rejected in whole or part.

SEC. 18. He shall collect all the personal property of his ward, and sell and appropriate the same, or so much thereof as shall be necessary, at such time and in such manner as the court of probate shall direct, to the payment of all the debts of such ward, or if not sufficient therefor, in equal proportions, except that debts due to the United States, debts due to this state, and for state and town taxes, shall be first paid, and in the order in which they are named.

SEC. 19. When it shall appear that the personal estate of the ward is insufficient for the purposes aforesaid, he shall apply to the court which appointed or approved him, for leave to sell at public or private sale, so much of the real or mixed estate of his ward, or of the wood or timber thereon standing and growing, or of stone in the quarry, or of coal or peat thereon, or to raise so much by mortgage on the real or mixed estate of the ward, or any of it, as may be necessary to make up the deficiency with incidental charges.

SEC. 20. He may make such application for the sale of the real or mixed estate of his ward, or any of it, for better or more ad-

vantageous investment, or for any other purpose beneficial to the ward.

SEC. 21. He shall make out and return to the court of probate, yearly and every year, his account relative to his ward's estate in his hands, in the same manner as executors and administrators are by law required to do relative to the estates of their testators or intestates; and upon neglect, shall be cited by the court so to do, as executors and administrators are to be cited; and upon neglect, after such citation, for thirty days, without sufficient excuse, shall be accountable, and without compensation or allowance, and shall incur like penalty and to like use, as executors and administrators are by law accountable and incur.

SEC. 22. If any guardian shall neglect to exhibit a true inventory of his ward's estate, or a list of the claims presented against his ward as above required, or shall neglect to apply the real and personal estate of his ward as aforesaid to the payment of his debts as aforesaid, it shall be deemed a forfeiture of his bond given as aforesaid; and his sureties or surety shall be liable to an action thereon by any creditor or person interested, or at the instance of any person interested, and judgment shall be entered in such action, and execution shall issue, and recovery shall be had, to such use and with like powers in and privileges to the court of probate, as in like cases on administration bonds sued.

SEC. 23. The mode of suing and proceeding on such bond shall be in all respects the same as, in like cases, on bonds of executors and administrators.

SEC. 24. Every creditor of a ward shall exhibit his claim to the guardian, within the term of six months after notice given as required in the fifteenth section of this chapter, or shall be forever barred of all claim therefor against the guardian, unless there shall be surplus property in his hands, after paying all debts and expenses and allowances made by the court of probate.

SEC. 25. No action shall be sustained against any guardian within twelve months after his appointment and notice thereof, unless the claim exhibited is wholly or in part rejected by the guardian; in which case the creditor may bring his suit forthwith against the guardian and shall be entitled to the whole, or a dividend, if the estate should prove insolvent, upon such sums as he may recover in such suit.

SEC. 26. Every guardian is empowered to submit any disputed claim, whether in favor of or against his ward, to referees, whose decision shall be final between the parties.

SEC. 27. All legal demands against the ward, although the same may not be then due, may be filed, and shall be entitled to a dividend, allowing interest, for the anticipated payment, in the same manner as other demands actually due.

SEC. 28. It shall be the duty of guardians of minors to take special charge of their education; and it shall also be the duty of the guardians of idiots, lunatic persons, non compotes mentis, and persons adjudged to be incapable of managing their own estates, to take the like charge of the education of the children of such persons,

unless guardians shall be especially appointed for such children; and the estates of such persons, and also the estates of minors, shall be liable for the education of such children and minors aforesaid, in the same manner as for their support and maintenance, and may be disposed of accordingly.

SEC. 29. It shall be the duty of every guardian of the person to take suitable charge of the person over whom he shall be appointed guardian, and of every guardian of the property of another, to improve his estate frugally and without waste, and to apply the income and profits thereof, or so much thereof as may be necessary and proper to the support and maintenance of the person to whom they shall belong, and his household or family, if any such there be.

SEC. 30. If the personal estate and the income of the real estate of any person who shall be under guardianship as aforesaid, shall not be sufficient to support him and his household or family, the said guardian shall petition the court of probate for liberty to make sale of, or to mortgage, so much of the real or mixed estate of such person, or to make sale of the wood or timber thereon standing and growing, or of the stone in the quarry, or of peat and coal, as may be necessary therefor.

SEC. 31. Where a guardian of the property only is appointed, the property of the minor in the hands of the guardian shall not be chargeable with any debt against such minor contracted during the life of his father, if such father shall, in the opinion of the court of probate, be of sufficient ability to maintain such minor; and in case any part of the property of such minor is deemed necessary as aforesaid for his support or education, the same shall be paid out by the guardian for that purpose, under the advice and direction of the court of probate.

SEC. 32. Courts of probate are authorized, in the settlement of the accounts of any guardian by them appointed, to make all reasonable allowances for such sums as the guardian shall, from time to time, have paid for the comfortable support of his ward, and family, if any there be, and also a reasonable compensation to the guardian for his services.

SEC. 33. The settlement of the accounts of any guardian by the court of probate, or on appeal by the supreme court, shall be conclusive on all parties concerned therein, and shall not be subject to reëxamination.

CHAPTER 139.

OF MASTERS, APPRENTICES, AND OF FACTORY AND OTHER LABORERS.

SECTION
1 and 2. Minor apprentices, by whom and how bounden.
3. For what time may be bounden.
4. Form of indentures.
5. Poor children, what classes, to whom, by whom, and how, bounden.
6. Poor adults, who and how bounden.
7. Consideration of indentures, to whom to be reserved, and stipulations of indentures, what to be.
8. Contracts for minor's services, to be binding when.
9. Who entitled to inquire into and complain of treatment of apprentices and bounden servants.
10 and 11. Of proceedings on such complaint.
12. Of complaint of an adult bounden out.
13. Of proceedings on such complaint.
SECTION
14, 15 and 16. Remedy against apprentice, &c., for illegally leaving service.
17 and 18. Remedy in case of misbehavior and neglect by apprentice.
19. Apprentice discharged for, to be bound anew.
20. Indentures discharged by death of master.
21. No factory laborers under 12 years of age.
22. Under 15 years of age to go to school.
23. Hours of minor's employment in factory.
24. Penalty upon owner or agent of factory for breach of preceding sections.
25. Limitation of complaint for such breach.
26. Ten hours, legal day, unless.

SECTION 1. Every minor, within the age of twenty-one years, may be bounden by deed, as a servant and apprentice, by his father, and in case of his decease, by his mother, when sole, or being within the age of fourteen years, by his guardian legally appointed.

SEC. 2. The minor, if fourteen years of age, and having no such parent, may, of his voluntary accord, with the approbation of his guardian, or in case of no such guardian, by and with the approbation of the town council of the town where such minor belongs or resides, bind himself by deed, as an apprentice or servant.

SEC. 3. Females may be bound or bind themselves as aforesaid, to the age of eighteen years, or to the time of their marriage within that age, and males to the age of twenty-one years.

SEC. 4. In every such case, there shall be two deeds, of the same form and tenor, executed by both parties, one to be kept by each.

SEC. 5. The following classes of poor children, male and female, may be bound out by the overseers of the poor of their respective towns, with the advice and consent of the town council, by deed indented or poll, to any citizen of this state, or of the states of Massachusetts or Connecticut, as apprentices to any lawful art, trade or mystery, or as servants to be employed in any lawful work or labor, or to the Providence Children's Friend Society, or

if colored, to the Providence shelter for colored children, to be instructed, disciplined and dealt with according to the powers and rules of said society; males, until they shall come to the age of twenty-one years, and females, until they shall come to the age of eighteen years, or are married — that is to say: —

First. Children of parents who are lawfully settled in, and have become chargeable to their towns;

Second. Children of parents so settled, who are not assessed in any town tax, and whose parents, whether they receive alms or are chargeable or not, shall be deemed by said overseers unable to maintain them;

Third. Children of parents residing in their respective towns, who are there supported at the charge of the state;

Fourth. Children of parents or a parent residing in their respective towns, who have no legal settlement in this state, and are adjudged by the town council to be unable to maintain their or his or her children;

Fifth. Children in their respective towns without estate sufficient for their maintenance, who have no parents residing therein, and who have no legal settlement in this state.

SEC. 6. The following classes of poor persons, of the age of twenty-one years and upwards, may be set to work or bound out to service by deed as aforesaid, by the overseers of their respective towns, for a term not exceeding one whole year at a time, upon such terms and conditions as such overseers shall think proper; that is to say: —

First. All poor persons residing and lawfully settled in their towns and those who have no lawful settlement in the state, whether married or unmarried, and who are able of body and have no visible means of support; and who live idly, and use and exercise no ordinary and daily and lawful trade or occupation to get their living;

Second. All persons settled or residing in their towns who, having families to support, earn sufficient means therefor, but waste their earnings and abandon their wives or children, or both, as paupers upon the town.

SEC. 7. All considerations which shall be allowed by the master in any contract of service or apprenticeship shall be secured to the sole use of the minor thereby engaged, and in every such contract, provision shall be made for the instruction of all children bounden, in reading, writing and ciphering, and for such other instruction, benefit and allowance, either within or at the end of the term of service, as may be fit and reasonable.

SEC. 8. All contracts that shall be made by any parent or guardian, or by the minor, with the approbation of any guardian or town council, or by the overseers of the poor of any town, with the advice and consent of the town council, or by the overseers of the poor alone, where such advice and consent is not by law required pursuant to the provisions of this chapter, shall be good and effectual in law against all parties, and the minor or servant thereby engaged, according to the tenor thereof.

SEC. 9. It shall be the right and duty of all parents and guardians, and of town councils for the time being, where the town council shall give their approbation as aforesaid, or of overseers of the poor, binding minors or servants as aforesaid, to inquire into the usage of apprentices and servants, bounden as aforesaid, and to defend them from the cruelty, neglect or breach of covenant of their masters; and such parents, guardians, town councils or overseers, for the time being, may complain to the court of common pleas in the county of which such master is an inhabitant, against him, for any personal cruelty, neglect or breach of covenant.

SEC. 10. The court, after having duly notified the party complained against, shall proceed to hear and determine such complaint, and if the complaint shall be supported, the court may render judgment, that the minor or servant be discharged from his apprenticeship or service, with costs against the master, and award execution accordingly; in which case the deed of service or apprenticeship shall be deemed void, from the time of rendering judgment, and the minor may be bounden out anew.

SEC. 11. If such complaint shall not be supported, the court shall award costs to the respondent, against the parent, guardian, town council or overseers, where the complaint of the town council or overseers shall be without probable cause, and issue execution accordingly.

SEC. 12. If any person, of the age of twenty-one years or upwards, bound out by the overseers of the poor of any town, shall think himself aggrieved by the doings of the overseers, he may apply for relief, by complaint, to the supreme court in the county in which he is bounden, or in which the overseers who bound him dwell.

SEC. 13. Said court, after due notice to the overseers for the time being, and to the master of such person, shall have power, after due hearing and examination, if they find cause therefor, to liberate and discharge the party complaining, from his or her master, and to release him or her from the care of the overseers, or otherwise to dismiss the complaint; giving costs to either party or not, as the court may think reasonable.

SEC. 14. If any servant or apprentice, bounden as aforesaid, shall depart from the service of his master, or otherwise neglect his duty, it shall be lawful for any justice of the peace of the county in which such servant or apprentice may be found, on complaint made to him, on oath and in writing by the master, or by any one in his behalf, to issue his warrant to the sheriff, his deputy, or to any town sergeant or constable within the county, directing him to apprehend such servant or apprentice, and bring him before the said justice.

SEC. 15. Said justice shall, upon the hearing, endeavor to reconcile the difference, if he can, and order the said servant or apprentice to be returned to the place of his duty, or may commit him to the state's jail in the county, there to remain for a term not exceeding twenty days, unless sooner discharged by his master; and the justice's warrant for returning such servant or apprentice to the place of his duty, directed to any officer, or other person by name,

shall authorize him to convey any such servant or apprentice to such place, notwithstanding it may be in any other county in the state.

SEC. 16. The costs of such process and commitment shall be paid by the master, to be recovered by him of the parent or guardian, and the same with all further costs which he may be holden to pay, shall be a proper article of charge in such guardian's account.

SEC. 17. If any servant or apprentice, bounden as aforesaid, shall be guilty of any gross misbehavior, wilful neglect or refusal of his duty, the master may complain thereof to the court of common pleas in the county whereof he is a resident; and the said court, after having duly notified such servant or apprentice, and all persons covenanting on his behalf, and the town council for the time being of the town, when they shall approve as aforesaid, shall proceed to hear and decide upon such complaint.

SEC. 18. If the said complaint shall be supported, the court may render judgment, that the master be discharged from the contract of service or apprenticeship, and every article thereof obligatory on him, with costs; and award execution for costs accordingly, against the parent, guardian, or minor where the minor shall engage as aforesaid for himself.

SEC. 19. Any servant or apprentice whose master shall be discharged as aforesaid, may be bounden out anew.

SEC. 20. No covenant of apprenticeship, entered into by any minor, his parent or guardian, for the purpose of such minor's becoming or being instructed in any trade or mystery, and made to any master, the wife of such master, or to the executors, administrators or assigns, of such master, shall be binding on such minor, parent or guardian, after the decease of the master; but on the death of such master the said contract shall be deemed void from that time; and in any such case any minor may be bounden out anew, in manner as is hereinbefore directed.

SEC. 21. No minor under the age of twelve years shall be employed in or about any manufacturing establishment, in any manufacturing process, or in any labor incident to a manufacturing process.

SEC. 22. No minor under the age of fifteen years shall be employed in any manufacturing establishment in this state, unless such minor shall have attended school for a term of at least three months in the year next preceding the time when such minor shall be so employed; and no such minor shall be so employed for more than nine months in any one calendar year.

SEC. 23. No minor who has attained the age of twelve years and is under the age of fifteen years, shall be employed in any manufacturing establishment more than eleven hours in any one day, nor before five o'clock in the morning, nor after half-past seven o'clock in the evening.

SEC. 24. Any owner, employer or agent of a manufacturing establishment, who shall knowingly and wilfully employ any minor, and any parent or guardian who shall permit or consent to the

employment of his or her minor child or ward, contrary to the provisions of the next three preceding sections of this chapter, shall be liable to a penalty of twenty dollars for each offence, to be recovered by complaint and warrant before any justice of the peace in the town in which such child shall reside, or in which the manufacturing establishment in which such child shall have been employed shall be situated, one half thereof to the use of the complainant, and the other half thereof to the use of the district school of the district in which such manufacturing establishment shall be situated, or if in the city of Providence, to the use of the public schools of said city.

SEC. 25. Every such complaint shall be commenced within thirty days after the offence complained of shall have been committed, with right of appeal as in other criminal cases.

SEC. 26. Labor performed in any manufacturing establishment, and all mechanical labor, during the period of ten hours in any one day, shall be considered a legal day's work, unless otherwise agreed by the parties to the contract for the same.

TITLE XXI.

Of the Indian Tribe.

CHAPTER 140. Of the tenure of, and trespasses on Indian lands.
CHAPTER 141. Of the commissioner of the Indian tribe.
CHAPTER 142. Of the Indian school.
CHAPTER 143. Of the general meeting of the Indian tribe.

CHAPTER 140.

OF THE TENURE OF, AND OF TRESPASSES ON INDIAN LANDS.

SECTION
1. Tenure of, how derived and proved.
2. How leased and regulated.
3. License to cut, &c., on tribe land, how obtained.
4. Penalty for cutting on, &c., without license.

SECTION 1. The tenure of the lands belonging to the Narragansett tribe of Indians, as derived from their ancestors, and evidenced by tradition and usage, shall be the legal tenure thereof.

SEC. 2. The council of the tribe may lease and regulate the tribe land, and other Indian land, according to the ancient usages and customs of the tribe, and may apply the proceeds thereof to the support of their poor and to their other expenses.

SEC. 3. No Indian or other person shall, without the consent of the council of the tribe being first obtained, cut or carry away from any of the lands of the tribe, any trees, timber, wood, brush, bark, grass or other substance whatever.

SEC. 4. Any person violating any provision of the next preceding section, shall pay four times the value of the trees, timber, wood or other substance cut, taken or carried away by him, to be recovered in an action of trespass quare clausum fregit, for the benefit of said tribe.

CHAPTER 141.

OF THE COMMISSIONER OF THE INDIAN TRIBE.

SECTION
1. Commissioner, how appointed and qualified.
2. Term of office and compensation of.
3. Duty of.
4. How and what to report.
5. Power to sue for injury to Indian land.
6. Power over such suit pending.

SECTION 1. The governor shall annually appoint a commissioner of the Indian tribe, who shall be engaged to the faithful performance of the duties of his office, and shall give bond therefor, to the general treasurer, with sufficient surety or sureties in the penal sum of five hundred dollars.

SEC. 2. The commissioner shall continue in office until his successor shall be qualified to act, and shall receive from the state such compensation for his services, as the general assembly may, from time to time, allow.

SEC. 3. He shall superintend the affairs of the tribe; shall bring, in his own name, all actions in behalf of the tribe; shall settle all controversies among its members relating to their estate, real or personal, or to any other matter, subject to an appeal to the general assembly, and shall enforce all laws made for the prevention of the sale of intoxicating liquors among the members of the tribe, and for the protection and security thereof.

SEC. 4. He shall, from time to time, report to the general assembly the condition of the tribe, and any facts relating thereto.

SEC. 5. He shall bring, in his own name, any action necessary to recover damages from flowage or other trespass, done by any Indian or other person whatever to any land belonging to the tribe, or to any Indian land, the owner of which may be under age, absent, or unknown.

SEC. 6. He may compromise any such action, and receive the damages for the benefit of whom it may concern.

CHAPTER 142.

OF THE INDIAN SCHOOL.

SECTION
1. Appropriation for, and how to be expended.
2. Report of expenditure, when and how made.
3. Qualification of teacher in, how to be proved.
4. Indian tribe not included in apportionment for Charlestown.

SECTION 1. The general treasurer shall annually pay to the treasurer of the town of Charlestown, the sum of one hundred and fifty dollars, to be expended, under the direction of some person or persons to be annually appointed by the governor, in the support of a school, and in the purchase of school-books for the members of the Indian tribe.

SEC. 2. The person or persons appointed as aforesaid shall, on or before the first Tuesday of May, annually, transmit to the governor an account of the expenditure of said money together with a statement of the condition of said school.

SEC. 3. No person shall be employed to keep said school, either as principal or assistant, who has not received a certificate from the school committee of the town of Charlestown or other competent authority, in like manner as is required for teachers in other public schools.

SEC. 4. In the apportionment of the public money by the commissioner of public schools, and by the school committee of the town of Charlestown, the Indian tribe shall not be included.

CHAPTER 143.

OF THE GENERAL MEETING OF THE INDIAN TRIBE.

SECTION
1. Penalty for selling liquor within three miles of.
2. Who to enforce, and how.
3. Limitation of complaint for.

SECTION 1. Any person who shall sell any spirituous or intoxicating liquor, or any cider or beer, within three miles of the meeting-house in which the general meeting of the Indian tribe is held, in the month of August, on any day of such meeting, shall be fined not exceeding one hundred dollars, or be imprisoned not exceeding three months.

SEC. 2. The sheriff of the county of Washington shall designate

one or more of his deputies, who shall attend said meeting during the whole of the time it shall be held, and who shall forthwith arrest any person violating any provision of this chapter, or who may be then and there disturbing said meeting, or creating any disorder, either within or without said meeting-house.

SEC. 3. Any complaint for a violation of any of the provisions of this chapter, shall be made within thirty days after the offence shall have been committed, and not afterwards.

TITLE XXII.

Of Real and Personal Estate, of the Title to, Alienation of, and Liens upon the same.

CHAPTER 144. Of what is real, and what personal estate, in certain cases.
CHAPTER 145. Of estates in real property.
CHAPTER 146. Of the conveyance of real estate.
CHAPTER 147. Of certain Indian grants, and grants of land by the colonies of New Plymouth, and of the Massachusetts, and of the province of the Massachusetts Bay.
CHAPTER 148. Of title by possession.
CHAPTER 149. Of mortgages of real and personal property.
CHAPTER 150. Of the lien of mechanics.

CHAPTER 144.

OF WHAT IS REAL AND WHAT PERSONAL ESTATE IN CERTAIN CASES.

SECTION
1. What machinery, &c., real estate.
2. What, personal estate, and for what purposes.
SECTION
3. Partition of machinery compelled, and how.

SECTION 1. The main wheel, steam-engine, boilers and shafts, whether upright or horizontal; drums, pulleys and wheels, attached to any real estate for the purpose of operating machinery, and all steam pipes, gas-pipes and water pipes, and all kettles and vats set and used in any manufacturing establishment, are declared to be

real estate when the same belong to the owner of the real estate to which they are attached.

SEC. 2. All other machinery, tools and apparatus of every description used and employed in any manufacturing establishment, are declared to be personal estate; and as such, shall be considered in assignments of dower, in attachments, and in all cases whatever except in the assessment and payment of taxes.

SEC. 3. Partition of the property mentioned in the second section of this chapter may be compelled between the owners thereof, in the same manner as though the same were real estate.

CHAPTER 145.

OF ESTATES IN REAL PROPERTY.

SECTION
1. Joint-tenancy, how must be created.
2. Joint heirs, what.
3. Power of tenant in tail to convey and devise.
4. Tenant for life absent, &c., seven years, remainder, &c., hastened.

SECTION 1. All gifts, grants, feoffments, devises and other conveyances of any lands, tenements and hereditaments, which shall be made to two or more persons, whether they be husband and wife or otherwise, and whether for years, for life, in tail or in fee, shall be taken, deemed and adjudged to be estates in common and not in joint-tenancy; unless it is or shall be therein expressly said, that the grantees, feoffees or devisees shall have or hold the same lands, tenements or hereditaments, as joint-tenants or in joint-tenancy, or to them and the survivors or survivor of them; or unless other words be therein used clearly and manifestly showing it to be the intention of the parties to such gifts, grants, feoffments, devises or other conveyances, that such lands, tenements and hereditaments shall vest and be holden as joint estates, and not as estates in common.

SEC. 2. Joint-heirs shall be deemed tenants in common.

SEC. 3. Any person seized of an estate in fee-tail, shall have right to convey the same in fee-simple, by his last will and testament, or by deed duly executed under his hand and seal, and acknowledged before the supreme court or any court of common pleas in this state; and such conveyance shall vest an estate in fee-simple in the grantee, his heirs and assigns, and shall bar the tenant in tail, his heirs and assigns, and all others who may claim the same in remainder or reversion, expectant upon the determination of such estate tail.

SEC. 4. If any person shall be absent from this state for the term of seven years without due proof of his being alive, for whose life any estate shall be holden by himself or any other person, the

person claiming the remainder or reversion of said estate expectant upon the death of such person so absent as aforesaid, shall and may enter upon such estate and hold the same according to his title, or until such absent person shall return to this state, or due proof shall be made of his being alive.

CHAPTER 146.

OF THE CONVEYANCE OF REAL ESTATE.

SECTION

1. What deeds transfer possession without livery.
2. Estate of freehold, or over one year in land, how conveyed.
3. Deeds conveying, to be acknowledged and recorded.
4. Town clerk to minute on, when received for record.

SECTION

5 and 6. Remedy against grantor refusing to acknowledge.
7. Deed how proved if grantor dies or removes before acknowledging.
8. Deeds executed out of state and within United States, how acknowledged.
9. Deeds executed without United States, how acknowledged.
10. Widow's dower saved.

SECTION 1. A deed of bargain and sale, of lease and release, covenant to stand seized to an use, or operating by way of covenant to stand seized to an use, or any other deed signed, sealed, delivered and acknowledged by the party having good and lawful right and authority to the possession, shall transfer the possession of the bargainor, relessor, grantor or covenantor, to the bargainee, relessee, grantee, or person entitled to the use of the estate or interest which such person hath or shall have in the use, without livery of seizin, or any other act or ceremony whatever.

SEC. 2. No estate of inheritance or freehold, or for a term exceeding one year, in lands or tenements, shall be conveyed from one to another by deed, unless the same be in writing, signed, sealed and delivered by the party making the same, and acknowledged before a senator, judge, justice of the peace, public notary or town clerk, by the party or parties who shall have sealed or delivered it, and recorded or lodged to be recorded in the office of the town clerk of the town where the said lands or tenements lie.

SEC. 3. All bargains, sales and other conveyances whatsoever of any lands, tenements or hereditaments, whether they be made for passing any estate of freehold or inheritance, or for term of years, exceeding the term of one year, and all deeds of trust and mortgages whatsoever, which shall hereafter be made and executed, shall be void unless they shall be acknowledged and recorded as aforesaid: *Provided*, that the same, between the parties and their heirs, shall nevertheless be valid and binding.

SEC. 4. Whenever any deed, lease, covenant, bond of defeasance or other instrument whatever, touching the transfer or conveyance of any such real estate, shall be presented to any town

clerk for record, it shall be the duty of such town clerk immediately thereupon to cause to be entered in writing on such deed or other instrument, the day, and as near as may be, the hour and minute, when the same was presented for record.

SEC. 5. If the grantor of any lands, tenements or hereditaments shall refuse to acknowledge his deed or conveyance by him signed, sealed and delivered, being thereunto required by the grantee, his heirs or assigns, it shall be lawful for any judge or justice of the peace within the town where the grantor dwells, on complaint in writing made by the grantee, his heirs or assigns, and supported by the oath of the complainant, to issue a warrant against the party refusing, and to examine him touching such refusal; and if he shall persist in such refusal, to commit him to prison without bail, until he shall acknowledge the same, unless he shall appeal to the supreme court at the term thereof next to be holden in and for the county in which such examination shall be had.

SEC. 6. In case of such appeal, the appellant shall give bond with surety for his appearance, and for the prosecution of his appeal with effect; and the grantee may file a copy of his deed in the town clerk's office, pending such appeal; and the same being so filed, shall be equally available to the party during the pendency of such appeal as if the said deed were acknowledged and recorded as above directed; and the same shall be accounted sufficient caution to all persons against purchasing the estate in such deed mentioned to be conveyed.

SEC. 7. When any grantor after the execution of the deed shall die or remove out of the state before the same shall be acknowledged, the said deed may be proved by the oaths of one or more of the witnesses to such deed, if any there be; but if there be no witnesses to such deed, then the handwriting of the grantor may be proved by other sufficient evidence before the supreme court or any court of common pleas within this state; and such proof shall be equivalent to the party's acknowledgment.

SEC. 8. Any conveyance of lands being within this state, or any instrument relating thereto, executed without the limits of this state, and within the United States, may be acknowledged before any judge, justice of the peace, mayor or public notary in the state where the same is executed, or by any commissioner appointed by the governor, and duly qualified thereunto; and if without the limits of the United States, before any ambassador, minister, charge des affaires, recognized consul, vice-consul, or commercial agent of the United States, or by any commissioner appointed and qualified as aforesaid, in the country in which such deed or instrument is executed.

SEC. 9. Any conveyance of lands lying within this state, or any instrument relating thereto, executed without the limits of the United States, to which any ambassador, minister, charge des affaires, recognized consul, vice-consul, commercial agent of the United States or commissioner appointed by the governor, shall be grantor, may be executed in the presence of two witnesses; and an official certificate under the hand and official seal of the grantor,

that such deed or instrument is his act and deed, shall be equivalent to an acknowledgment of such deed or instrument, in the manner required by law.

SEC. 10. Nothing in this chapter shall be construed to bar any widow of any grantor of any lands, tenements or other real estate, of her dower therein.

CHAPTER 147.

OF CERTAIN INDIAN GRANTS, AND GRANTS OF LAND BY THE COLONIES OF NEW PLYMOUTH, AND OF THE MASSACHUSETTS, AND OF THE PROVINCE OF THE MASSACHUSETTS BAY.

SECTION
1. Indian grants of lands in Newport, Providence, Portsmouth, Warwick and Westerly, confirmed. Grants of lands by New Plymouth and Massachusetts, in Bristol, Tiverton, Little Compton, Warren and Cumberland, confirmed.

SECTION 1. The two following acts, the first passed in May, 1682, and the second in January, 1746, are continued in force as they have heretofore been:—

An act confirming the grants heretofore made by the inhabitants of the towns of Newport, Providence, Portsmouth, Warwick and Westerly.

Whereas in the fifteenth year of the reign of Charles the second, there was a charter granted to this state of Rhode Island and Providence plantations, in which were contained many privileges to the free inhabitants thereof; and among other of the said privileges there was granted to the general assembly of said state, full power and authority to make and ordain laws suiting to the nature and constitution of the place, and in particular to direct, rule and order all matters relating to the purchases of land of the native Indians; and whereas the lands of the several towns of Newport, Providence, Portsmouth, Warwick and Westerly, were purchased by the several inhabitants thereof, of the native Indians, chief sachems of the country before the granting of the said charter, so that an order or direction from the said assembly could not be obtained therein; and it being thought necessary and convenient for the reasons aforesaid that the lands of the said towns be by an act of the general assembly of this state confirmed to the inhabitants thereof, according to their several and respective rights and interests therein:—

SECTION 1. *Be it enacted by the general assembly, and by the authority thereof it is enacted*, That all the lands lying and being within the limits of each and every of the aforesaid towns of Newport, Providence, Portsmouth, Warwick and Westerly, according

to their several respective purchases thereof, made and obtained of the Indian sachems, be and are hereby allowed of, ratified and confirmed to the proprietors of each of the aforesaid towns, and to each and every of the said proprietors the several and respective rights and interest therein, by virtue of any such purchase or purchases as aforesaid; to have and to hold all the aforesaid lands by virtue of the several purchases thereof, with all the appurtenances, privileges and commodities thereunto belonging, or in anywise appertaining to them, the aforesaid proprietors, their heirs and assigns forever, in as full, lawful, large and ample manner to all intents, constructions and purposes whatsoever, as if the said lands and every part thereof had been purchased of the Indian sachems, by virtue of any grants or allowances obtained from the general assembly of this state after the granting the aforesaid charter.

An act quieting possessions and establishing title of land within the towns of Bristol, Tiverton, Little Compton, Warren and Cumberland.

SECTION 1. *Be it enacted by the general assembly, and by the authority thereof it is enacted*, That all grants and conveyances of land heretofore made by the general assemblies of the late colony of New Plymouth, the late colony of the Massachusetts, or by the province of the Massachusetts Bay, or by any commissioners, agents or persons by them or any of them duly appointed and authorized, or by any other authority derived from them or any of them, lying within any of the towns aforesaid, shall be as good, valid and effectual, to all intents and purposes whatsoever, to the grantees, their heirs or assigns, as if the lands so granted, had really been situated in the colony or province by whom or by whose authority the same were made, and shall forever hereafter be so adjudged and construed in all courts of judicature in this state.

SEC. 2. *And be it further enacted*, That all estates both real and personal left by persons who have died intestate before the publication of this act, and which lie or are within the bounds of the aforesaid towns, shall be distributed and settled among the children or legal representatives of such intestates, agreeably to the laws of the province of the Massachusetts Bay in force at the time of such intestates' death; which laws shall have the same force and effect in this state, in the trial of and settling and distributing such intestates' estates, as if the same were laws of this state duly made, and shall be so adjudged, construed and understood by all judges and ministers of justice in this state; and that the several town councils of the above-mentioned towns be and they are hereby fully empowered and required to complete the distribution and settlement of such intestates' estates as aforesaid, which yet remain unsettled, in the same manner and as fully and effectually in all respects as the same could have been by the courts of probate had the said towns still remained within the province of the Massachusetts Bay.

SEC. 3. *And be it further enacted*, That all grants, deeds, conveyances and land evidences whatsoever, that have heretofore been made of any lands within any of the aforesaid towns, and which were executed and registered according to the laws in force there, at the time of making the same, shall be adjudged and deemed as good, valid and effectual, to all intents and purposes whatsoever, as if the same had been made, executed and recorded within and according to the laws of this state; and copies of all such grants, deeds, conveyances and land evidences, produced from and attested by such offices and officers where the same are registered, shall be received as lawful evidence by all courts in this state.

CHAPTER 148.

OF TITLE BY POSSESSION.

SECTION
1. Grants by general assembly confirmed.
2. Twenty years' possession makes title; and of pleading same.
3. Savings of statute in case of infants, femes covert, &c.

Whereas, at the first settling of this state, and for sundry years afterwards, lands were of little or no value, and skilful men in the law were much wanted, whereby many deeds, grants and conveyances were weakly made, which may occasion great contests in law if not timely prevented; therefore,

SECTION 1. All grants, charters and conveyances heretofore made by the general assembly unto any town, corporation, community or propriety, or to any other person or persons whomsoever, shall be, and they hereby are ratified and confirmed as good and effectual to all intents and purposes in law, for the conveying all such lands, tenements, rights, privileges and profits as are therein mentioned, to the said towns, corporations, communities, proprieties, person or persons, and to their respective successors, heirs and assigns forever.

SEC. 2. Where any person or persons or others from whom he or they derive their title, either by themselves, tenants or lessees, shall have been for the space of twenty years in the uninterrupted, quiet, peaceable and actual seizin and possession of any lands, tenements or hereditaments, for and during the said time, claiming the same as his, her or their proper, sole and rightful estate in fee-simple, such actual seizin and possession shall be allowed to give and make a good and rightful title to such person or persons, their heirs and assigns forever; and any plaintiff suing for the recovery of any such lands may rely upon such possession as conclusive title thereto; and this chapter being pleaded in bar to any action that shall be brought for such lands, tenements or hereditaments, and such actual seizin and possession being duly proved, shall be

allowed to be good, valid and effectual in law for barring the same.

SEC. 3. Nothing in this chapter shall be construed, deemed or taken to extend to prejudice the rights and claims of persons under age, non compos mentis, feme covert, or those imprisoned, or those beyond the limits of the United States; they bringing their suit therefor within the space of ten years next after such impediment is removed, or to bar any person or persons having any estate in reversion or remainder, expectant or depending, in any lands, tenements or hereditaments, after the end or determination of the estate for years, life or lives; such person or persons pursuing his or their title by due course of law within ten years after his or their right of action shall accrue.

CHAPTER 149.

OF MORTGAGES OF REAL AND PERSONAL PROPERTY.

SECTION

1. Bond of defeasance, &c., to be recorded, &c., when and where.
2. Effect of, if not recorded.
3. Mortgages of real estate, redeemable upon what terms.
4. Right of redemption of, when barred, by possession under process.
5. Certificate of delivery of possession, by whom given, and how acknowledged.
6. Mortgages made previous to digest of 1822, by what possession under process barred.
7. Redemption of mortgage after twenty years, when and how allowed.

SECTION

8. Mortgage, how may be discharged on the record.
9. Mortgagee, &c., when and how liable for not discharging of record.
10. Other discharges good.
11. Mortgages of personal property, when and how far invalid, unless recorded.
12. How to be recorded.
13. When redeemable at law.
14. How to be redeemed at law.
15. How to be redeemed in equity.
16. Of foreclosure of mortgages on real and personal estate.

SECTION 1. Whenever any bond of defeasance or other instrument shall be executed, which shall cause any deed or other conveyance of lands, tenements and hereditaments to operate as a mortgage, or to pass an estate redeemable, such bond or other instrument shall be recorded in the office of the town clerk in the town where such lands, tenements and hereditaments shall be, or be there lodged to be recorded, within five days after the execution thereof.

SEC. 2. If the person entitled to such bond of defeasance or other instrument, shall neglect to cause the same to be lodged or recorded within five days as aforesaid, the same shall not cause the deed to which it relates to operate as a mortgage against any person who shall bona fide, and without notice of said incumbrance, purchase the real estate conveyed in such deed, of the per-

son to whom the same was made; and the person entitled to the same as aforesaid shall be barred of all right of redemption against such second purchaser, his heirs or assigns.

SEC. 3. All real estates conveyed or pledged by mortgage, or deed of bargain and sale with defeasance, shall be redeemable by the mortgagor or vendor, his heirs, executors, administrators or assigns, on paying the moneys borrowed thereon, with interest, or performing the condition on which the same was conveyed or mortgaged, deducting the rents and profits the mortgagee or any under him may have received over and above the suitable repairs, insurance and improvements made by him or them, and all other necessary expenses in the care and management of the premises.

SEC. 4. No mortgagor, his heirs, executors, administrators or assigns, shall be allowed to redeem any mortgaged real estate, but shall be forever barred and foreclosed of all equity and right of redemption therein, unless such mortgagor, his heirs, executors, administrators or assigns, shall pay to the mortgagee, his heirs, executors, administrators or assigns, the full sum, both principal and interest, due on such mortgage, within three years next after such mortgagee, or other person claiming under him, shall, by process of law, or by peaceable and open entry, made in the presence of two witnesses, have taken actual possession of such mortgaged estate and continued the same during said term.

SEC. 5. When possession shall be taken in the presence of witnesses as aforesaid, they shall give to the mortgagee, or other person taking possession under him, a certificate of such possession being taken; and the person delivering possession shall acknowledge the same to have been voluntarily done, before a justice of the peace in the town where such mortgaged estate lies, which certificate and acknowledgment shall be recorded in the town clerk's office of such town.

SEC. 6. All mortgages of real estate made before the digest of one thousand eight hundred and twenty-two took effect, shall be entitled to six years' redemption, as provided in said last-mentioned digest.

SEC. 7. The supreme court may allow the redemption of any mortgaged estate after a possession of twenty years, obtained without legal process, if any peculiar circumstances shall, in the opinion of the court, render such redemption equitable.

SEC. 8. Any mortgagee of lands, tenements or other real estate, his heirs, executors, administrators or assigns, having received full satisfaction for the money due on such mortgage, shall, at the request of the mortgagor, his heirs, executors, administrators or assigns, and at his or their cost, acknowledge and cause satisfaction and payment to be entered on the margin or face of the record of such mortgage, and shall sign and seal the same, which shall forever afterwards discharge, defeat and release such mortgage, and perpetually bar all actions to be brought thereupon in any court.

SEC. 9. If any mortgagee, his heirs, executors, administrators or assigns, shall not, within ten days after a request made in that behalf, and a tender of all reasonable charges, repair to the clerk's

office, and there make, sign and seal an acknowledgment as before directed, or otherwise make and execute a release and quitclaim of the estate so mortgaged, and acknowledge the same before some proper officer, he or they so refusing shall be liable to make good all damages that shall accrue for want of such discharge or release, to be recovered by an action of the case in a court of record; and in case judgment shall pass against the party sued, he shall pay unto the plaintiff treble costs upon such suit.

SEC. 10. Nothing herein contained shall be construed to defeat, invalidate, annul or render ineffectual any other legal discharge, payment, satisfaction or release of any mortgage.

SEC. 11. No mortgage of personal property hereafter made shall be valid against any other person than the parties thereto, unless possession of the mortgaged property be delivered to and retained by the mortgagee; or unless the said mortgage be recorded in the office of the clerk of the town where the mortgagor shall reside, if in this state, and if not, where the property is, at the time of making the same: *Provided*, that nothing herein contained shall affect any transfer of property under bottomry or respondentia bonds, or of any ship or goods at sea or abroad, if the mortgagee shall take possession thereof as soon as may be after the arrival of the same in this state.

SEC. 12. It shall be the duty of the town clerks to record mortgages of personal property in a book to be by them kept respectively for that purpose, with the time when the same are received and recorded.

SEC. 13. When the condition of any mortgage of personal property has been broken, the mortgagor, or any person lawfully claiming or holding under him, may redeem the same at any time within sixty days thereafter, unless the property shall in the mean time have been sold, in pursuance of the contract between the parties.

SEC. 14. The person entitled to redeem the property shall pay or tender to the mortgagee, or to the person holding under him, the sum due on the mortgage, with all reasonable and lawful charges and expenses incurred in the care and custody of the property, or otherwise arising from the mortgage thereof; and if the property is not forthwith restored, the person entitled to redeem the same may recover it in action of replevin, or may recover such damages as he may have sustained by the withholding thereof, in any proper action.

SEC. 15. Any person entitled in equity to redeem any mortgaged property, whether real or personal, may prefer a bill to redeem the same to the supreme court in the county in which the real estate sought to be redeemed is situated, or in which the mortgagor of personal property may reside, if in this state, and if not, then in any county in this state; which bill may be heard, tried and determined by said court according to the usages in chancery, and the principles of equity.

SEC. 16. Any person entitled to foreclose the equity of redemption in any mortgaged estate, whether real or personal, may prefer a bill to foreclose the same to the supreme court sitting in the

county in which said premises are situated, if said premises are real estate, and if personal, then in the county in which the mortgagor may reside, if in this state, and if not, then in any county in this state; which bill may be heard, tried and determined by said court, according to the usages in chancery and the principles of equity.

CHAPTER 150.

OF THE LIEN OF MECHANICS.

SECTION

1. Lien of mechanic contracting with owner of land.
2. Lien of, in case of contract with lessee.
3. Lien of, in case of contract with one owning less than a freehold in land.
4. Lien under written contract, when lost, without commencement of legal process.
5. When not under written contract when lost without legal process commenced.
6. Lien of subcontractor when lost, unless legal process commenced.
7. Legal process, what, and of recording claims.
8. Time of filing claim noted.
9. Petition to enforce lien, when and where filed, and what to contain.
10. Of notice on petition.

SECTION

11. Citation, what to contain and how served.
12. Of surety for costs on, and consolidation of petitions.
13. Of costs on petitions.
14. Petition against corporation, in what county to be filed.
15. Who may contest petition.
16. Of trial and proceedings on petition, and of decree of sale.
17. Proceeds of sale, how applied.
18. Of bond of master in case of sale by.
19. What fixtures part of building.
20. "Land," how much included.
21. Of incomplete contracts, in case of sale.
22. Of notice of sale, when decreed.
23. Effect of neglect to present claims before master.

SECTION 1. Whenever any building, canal, turnpike, railroad or other improvement shall be constructed, erected or repaired by contract with or at the request of the owner thereof, such owner being at the time the owner of the land on which the same then is, or by the husband of such owner with the consent of his wife in writing, such building, canal, turnpike, railroad or other improvement, together with the said land, is hereby made liable, and shall stand pledged for all the work done in the construction, erection or reparation of such building, canal, turnpike and other improvement, and for the materials used in the construction, erection or reparation thereof, which have been furnished by any person who had contracted or been requested as aforesaid to construct, erect or repair the same, before any other lien which shall originate subsequent to the commencement of such erection, construction or reparation on such land.

SEC. 2. Whenever any building, canal, turnpike, railroad or other improvement, shall be constructed, erected or repaired, by

contract with or at the request of any lessee or tenant thereof, or by the husband of such lessee or tenant with the consent of his wife in writing, the interest and title of such lessee and tenant in the said building, canal, turnpike, railroad or other improvement, and in the land on which the same is located, shall stand pledged for all the work done and materials used and furnished as aforesaid, in the construction, erection or reparation of such building, canal, turnpike, railroad or other improvement, and not the interest or title of the landlord of such lessee or tenant, unless the consent in writing of such landlord is first obtained, assenting to such construction, erection or reparation, and acknowledging his estate to be also holden for the payment thereof.

SEC. 3. Whenever any building, canal, turnpike, railroad or other improvement, shall be constructed, erected or repaired by contract; with or at the request of the owner thereof, such owner being, at the time, owner of less than a freehold in the land on which the same is located or by the husband of such owner with the consent of his wife in writing, such building, canal, turnpike, railroad and other improvement, together with the title and interest of the owner thereof, in the land on which the same is located, shall stand pledged for all the work done and materials used and furnished as aforesaid, in the construction, erection or reparation of such building, canal, turnpike, railroad or other improvement, and not the interest or title of the owner of the fee in such land, unless the consent in writing of such owner is first obtained, assenting to such construction, erection or reparation, and acknowledging his estate to be also holden for the payment thereof.

SEC. 4. If such building, canal, turnpike, railroad or other improvement shall be constructed, erected or repaired under a written contract, then the lien created by this chapter, in favor of such contractor for the sums stipulated to be paid on such contract, shall be wholly lost, unless legal process shall be commenced for enforcing the same, in manner hereinafter provided, within four months from the time that any payment on such contract shall become due and payable, if such payment shall not then be made.

SEC. 5. No person who shall do work for, and furnish materials to be used in the construction, erection or reparation of any building, canal, turnpike, railroad or other improvement, without written contract, shall have any advantage of any lien therefor created by this chapter, unless he shall commence legal process for enforcing the same in manner hereinafter provided, within six months from the time of the commencing the doing of such work, or of the commencing the delivery of materials, if payment for the same shall not then be made.

SEC. 6. No person who shall do work or labor in the construction, erection or reparation of any building, canal, turnpike, railroad or other improvement, at the request of any person who had entered into a contract, whether in writing or not, for such construction, erection or reparation, shall have any lien therefor, unless such person shall, within thirty days, after commencing the work, give notice in writing to the person against whose estate or title

he claims a lien that he has commenced the work, and that he shall claim the benefit of the lien created by this chapter; and the lien thereby created shall be wholly lost, unless such person having the same, shall, within four months from the time notice shall be given as aforesaid, commence legal process as is hereinafter provided, to enforce said lien.

SEC. 7. The commencement of legal process to enforce the liens hereby created, shall be the lodging the account or demand for which the lien is claimed, in the office of the clerk of the town or towns in which the building, canal, turnpike, railroad or other improvement is situated, with notice to what building, canal, turnpike, railroad, improvement and land, and to what or whose estate in the same the said account or demand refers; and it shall be the duty of the said clerk to record the names of the parties, the amount of the claims, and the notice aforesaid, and the exact time of the filing said account or demand in his office, in a book to be by him kept for that purpose; but the original account need not be recorded, but shall be kept on file.

SEC. 8. When any account or demand is left with any town clerk in pursuance of the next preceding section, the clerk shall note thereon, the exact time, as near as may be, when the same was lodged with him as aforesaid.

SEC. 9. At least twenty days before the term of the supreme court in the same county or in either of the counties in which the said building, canal, turnpike, railroad or other improvement shall lie, which shall be holden not less than twenty days next after commencement of legal process as before provided, the person so commencing the same shall file his petition in equity, in the clerk's office of said court, setting forth the particulars of his account or demand, and particularly describing the building, canal, turnpike, railroad, improvement and land, and the estate and title in the same upon which he claims a lien for said account or demand, and praying that the said lien may be enforced against the same, and that the same may be sold to satisfy the said account or demand, and all other accounts and demands for which the same is pledged and liable by this chapter.

SEC. 10. Upon filing the petition, the clerk shall by advertisement, to be inserted in some public newspaper printed in this state, for at least two weeks, notify all persons having a lien by virtue of this chapter, or a mortgage, or an attachment, or any other claim on all or any part of the same property, to appear before said court at the then next term thereof, and make out their demands against the same, and shall also issue a citation to the owner of said property and to each and every person having a mortgage, attachment, or any other conveyance thereof, or of any part thereof on record; also then and there to appear and show cause, if any they have, why said lien should not be allowed and enforced by said court for the amount claimed.

SEC. 11. Said citation shall contain the substance of said petition, and shall be served on said parties by a sheriff or deputy sheriff at least ten days before the sitting of such court, by leaving

an attested copy at the last and usual place of abode of each of the persons to be cited, or by reading the same in their presence and hearing, if they reside in this state, otherwise by publishing a notice thereof in some newspaper printed in this state for at least three times.

SEC. 12. If more than one such petition be filed against the same, or any part of the same property, like proceedings shall be had on each, and each petitioner shall give or be compelled by the court to give surety for costs, unless he himself be an inhabitant of the state; but all such petitions against the same or any part of the same property, shall be consolidated, after the returns of the citations, and shall proceed as one.

SEC. 13. The costs of the proceedings shall in every instance be within the discretion of the court, both as between petitioners and as between each one of them and the respondent.

SEC. 14. In case a petition shall be filed against any corporation it shall be filed in the county in which an action against such corporation is required to be commenced.

SEC. 15. It shall be the right of a respondent to any such petition, and of every person claiming to have a lien by virtue of this chapter, on the property described therein or on any part thereof, and of every person claiming an interest therein by mortgage, attachment or otherwise, to contest, as well the right of the petitioner, and of all others claiming a lien under this chapter to said property or any part thereof, to any such lien, as the amount of the claim.

SEC. 16. If it shall appear to said court by confession, or on trial, that the petitioner, or any other person, party to the proceedings, claiming to have a lien on said property, or any part thereof, by virtue of this chapter, had any legal claim against the same at the time of filing said petition, or of becoming party to the proceedings, said court shall by themselves or by a master to be by them appointed for that purpose, proceed to ascertain the exact nature and amount of each claim on said property, or any part thereof, made by or belonging to any person party to the said proceedings, and the order in which, according to equity and good conscience, they should be paid out of said property, and how much of said property, and especially how much, if any, and what portions of land under and adjoining the same, subject to sale by the provisions of this chapter, should be sold to satisfy said claims; and thereupon said court shall decree the said property, or some part of it, or the interest of the person respondent in such property, or some part of it, at the time the lien accrued, to be sold by and under the direction of a master to be appointed for that purpose, with such instructions, restrictions and conditions as they shall give in the premises, regarding therein the interest of the owner and his general creditors.

SEC. 17. The proceeds of such sale, after payment of such costs and incidental charges as shall be allowed by the court, shall be applied by said master, according to his instructions, to the payment of the claims as marshalled and ascertained, and the balance,

if any, which shall remain after payment thereof, shall be paid over by the master, to the owner of the property sold.

SEC. 18. The court may, in their discretion, require of such master, bond or bonds, with surety or sureties, in such sum and to such person or persons as they may direct, securing the faithful application of the proceeds of sale, and may from time to time remove any such master on account of any non-compliance with their order or decree, and appoint a new master in his stead.

SEC. 19. All steam-engines in all their parts, and all boilers, kettles or vats made of iron, copper, wood or other materials, whether set in brick or stone, or not so set; and all water-wheels, gearing or shafting, in any mill or building, and there used or intended to be used; and all steam pipes, gas-pipes, and water pipes, cocks and eave troughs made of copper or other metal, attached to any mill or other building, shall, for all the purposes of this chapter, be considered and treated as parts of such mill or other building.

SEC. 20. The word land, as used in the first, second, third, ninth and sixteenth sections of this chapter, shall be construed to include so much of the land and its appurtenances, under and adjoining such building, canal, turnpike, railroad and other improvement belonging to the owner of said building, canal, turnpike, railroad and other improvement, as the person erecting, constructing or repairing the same, and furnishing materials as aforesaid for such erection, construction or reparation, may choose to describe in his commencement of legal process against the same.

SEC. 21. Whenever any such building, canal, turnpike, railroad or other improvement shall be subject to sale under this chapter, and legal process shall be commenced against the same, any contractor who shall not have fully completed his contract in relation to the erection, construction or reparation thereof, shall thereafter be excused from completing the same; and such contractor shall have his lien thereon for the full value of the work done and materials by him furnished.

SEC. 22. In every decree of sale, the court shall prescribe the notice that shall be given of such sale, and shall also give therein, such instructions and particular directions as each case may require; and upon application to said court at any time, further instructions and directions may be given from time to time in relation thereto.

SEC. 23. Any person who shall neglect to present and prove his claim before any master appointed under this chapter, within the time appointed for so doing, shall not be entitled to any distribution or dividend, and shall be debarred of all specific claims against said property, unless the court may direct the same to be sold subject thereto; but his claim on the party with whom the contract was made, or at whose request the work was done or the materials furnished, shall not be thereby impaired.

TITLE XXIII.

Of Courts of Probate.

CHAPTER 151. Of the jurisdiction of courts of probate, and of license to sell real estate.
CHAPTER 152. Of applications to, and of citations and notices by courts of probate.
CHAPTER 153. Of appeals from courts of probate.

CHAPTER 151.

OF THE JURISDICTION OF COURTS OF PROBATE, AND OF LICENSE TO SELL REAL ESTATE.

SECTION
1. Courts of probate, their constitution and mode of action.
2. Court of probate of Providence, and power of towns to reconstitute their courts of probate.
3. Power of courts of probate of towns to prove wills and grant administration of residents.
4. Power of, in case of non-residents.
5. First administration granted, a bar when.
6. Power of courts of, to appoint custodians of property of deceased.
7. Power of, to appoint and approve guardians.
8. To examine and allow accounts of executors, administrators and guardians.
9. To license sale of real estate by executors and administrators.
10. To license sale of real estate by guardians.
11. Power of court over petitions for sale of real estate.
12. Whole estate, when to be sold.
13. Surplus in case whole sold, how disposed of.

SECTION
14. Of bond of executor, &c., in case of sale.
15. Of notice in case of auction sale.
16. Of adjournment of sale.
17. Of executor's, &c., deed in case of sale.
18 and 19. Evidence of notice of sale given.
20. Of settlement of accounts in case of sale.
21. Power of courts of probate to license aliens to take and hold real estate.
22. Power of, to remove executors, administrators and guardians.
23. Power of, to require of, further security.
24. Power of, to accept resignation of.
25. Power of, to appoint, in case of resignation of sole executor, &c.
26. Power of, to require new security in case of resignation of a joint executor, &c.
27. Power of, to cancel old, and require new bond of.
28. General powers of courts of probate.
29. Clerk of probate, who.
30. Duties of clerk.
31. Of clerk *pro tempore*.

SECTION 1. The town councils shall be courts of probate within their respective towns; the major part of the members elected to

be a quorum for doing business, and the major part of those present at any legal meeting to decide upon any matter before them.

SEC. 2. The municipal court of the city of Providence shall be the court of probate for said city; and any town or city may, at its annual election of town officers, elect a judge of probate for such town or city, who, upon being sworn, shall, instead of the town council, have the powers and be subject to the duties of a court of probate, and be entitled to the fees of such court, and such salary in addition to, or instead of such fees to be received by such town or city, as the town or city may allow.

SEC. 3. The court of probate of any town may and shall take the probate of wills and grant administration on the estates of deceased persons, who at the time of their decease were inhabitants of or residents in the town.

SEC. 4. Any such court may grant administration on the estates of persons who, at the time of their decease, were not inhabitants of or residents within this state, provided any rights, credits or estate of such persons be found within the state.

SEC. 5. The administration first granted, under the next preceding section, shall bar any other grant of administration, although the deceased person may have left rights, credits or estate in other towns of the state.

SEC. 6. Every court of probate may appoint suitable persons to have the charge and care of the personal property of deceased persons who were resident in the town, until letters testamentary or of administration be granted; and may require such persons to give bond to such court, with or without surety, at the discretion of the court.

SEC. 7. Every such court may and shall appoint and approve guardians of the persons and estates, or of the persons only, or of the estates only, of such as are or may be subject to guardianship under such court.

SEC. 8. Such courts may and shall examine, allow and settle the accounts of executors, administrators and guardians by them appointed, make partition of estates, and assign dower to widows.

SEC. 9. Such courts shall have power to examine into and grant the petitions of executors and administrators for authority and license to sell the lands, tenements and hereditaments of deceased persons, or growing wood, or timber, or stone, or peat, or coal thereon, to pay the debts of such deceased, the expense of their funerals, of supporting their families and settling their estates, with incidental charges.

SEC. 10. They shall in like manner have power to examine into like petitions of guardians to sell, at public or private sale, or to mortgage like property, or any mixed estates, and all estates of their wards necessary to be conveyed as real estate, to pay their debts, the expenses of supporting them and their families, or for any other proper purpose whatsoever, including the making of a better and more advantageous investment, and the settlement of their estates, with incidental charges.

SEC. 11. The petitions in the two sections next preceding men-

tioned shall be granted under such restrictions and limitations, and upon such conditions as are or may be imposed by law, or by the court granting the same.

SEC. 12. In case of such petitions, if it should appear that by a sale of only so much of the real estate as was absolutely needed, the residue of the estate, or some specific part thereof would be so much injured as to render the sale of the whole estate more advantageous to those interested therein, the court may order the whole, as well as any specific part thereof to be sold.

SEC. 13. The surplus, if any, in case of a sale by an executor or administrator, shall be disposed of according to the last will and testament of the testator, or descend to and be inherited by the heirs at law, in the same manner as the real estate sold; and in case of such sale by a guardian, such surplus, or if the sale be made for better investment, the proceeds thereof invested, shall descend to, and invest in the heirs of such ward, as the real estate of the ward would have done had no sale thereof been made.

SEC. 14. Every executor, administrator and guardian empowered to sell as aforesaid, shall, before making sale, give bond with surety to the satisfaction of the court, that he will apply the proceeds of such sale to the purposes for which the same was allowed to be made, and invest the same or the surplus thereof, as the case may be, in other real estate, or in mortgages on real estate, or in productive stocks, or in such other manner as the court may direct.

SEC. 15. Before making any such sale at auction, the executor, administrator or guardian shall give thirty days public notice thereof, by posting up at least three notifications of such sale in three public places in the town where the real estate or other property to be sold lies, and at least one in each of the adjoining towns, and in the town where the ward dwells, or the testator or intestate last dwelt, or shall publish the same in some public newspaper for four successive weeks, or shall give notice thereof in such other manner instead of, or in addition to, the above, as the court may direct.

SEC. 16. The executor, administrator or guardian may, in his discretion, adjourn any such sale to any future day, whenever he may deem the same advisable, giving notice of such adjournment in the same manner in which notice of the sale was given, as soon as may be after such adjournment, and up to the day of the adjourned sale; unless the adjournment shall be from day to day only, and then by making public proclamation thereof at the time and place of the sale, and by setting up a notice thereof at such place.

SEC. 17. Every executor, administrator or guardian empowered to sell and making sale as aforesaid, may and shall, by virtue of such authority, make, sign and execute, in due form of law, deeds and conveyances of such real estate or property as they shall sell; and such deeds and conveyances shall make as good a title to the purchaser, his heirs and assigns, as the testator, intestate or ward, being of full age and of sane mind and memory in his lifetime, might or could have made.

SEC. 18. The affidavit of the executor, administrator or guar-

dian, or the affidavit of such person or persons as may be by them employed to post up such notifications, taken before the probate court where such executor or administrator derived his authority to administer, within six months next following the sale of the real estate, and there filed and recorded, together with one of the original advertisements of the time, place and estate to be sold, or a copy of such advertisement, is hereby declared to be one mode, but not the exclusive one, of perpetuating the evidence that such notice was given, and also to make the originals or copies thereof from the clerk of the court of probate, admissible evidence in any court of law.

SEC. 19. When the person employed to post up such notifications resides more than ten miles distant from such probate court, his deposition respecting the matter, taken before a justice of the peace and filed with the clerk of such probate court, within six months as aforesaid, shall have the same force and effect as if the same was taken before such court as aforesaid; or copies of the original notice printed in a newspaper as aforesaid, certified by the affidavit of such executor, administrator or guardian, or by some other person, and filed and recorded as aforesaid, shall be another mode, but not the exclusive one, of perpetuating such evidence.

SEC. 20. In settling the accounts of executors, administrators and guardians, the courts of probate shall specially examine and adjudge whether they have complied with the requisitions of law, and the directions of the court in regard to the sale of any lands, or interest in or profit from lands, which belonged to the testator, intestate or ward.

SEC. 21. Such courts shall have power to grant petitions of aliens for leave to purchase, hold and dispose of real estate within their respective towns, provided the alien petitioning shall, at the time of his petition, be resident within this state, and shall have made declaration according to law, of his intention to become a naturalized citizen of the United States.

SEC. 22. Every such court shall have power, whenever any executor of a last will and testament by such court approved, or any administrator or guardian appointed or approved by such court, shall by means of absence, sickness or insanity, become incapable of executing his trust, or shall neglect or refuse to do the duties thereof, or shall waste the estate of his ward, or that on which he administers, on a regular inquiry, to remove such executor, administrator or guardian from office, and to appoint an administrator or guardian in the place of the person so removed, if such person were sole executor, administrator or guardian, or the occasion should require.

SEC. 23. Whenever an administration or guardianship bond shall be found insufficient, either in amount or in security, it shall be the duty of the court of probate who took the same to require further bond or sureties of the executor, administrator or guardian; and on his neglect or refusal to give such further bond or sureties, to remove such executor, administrator or guardian without further notice, and to appoint an administrator or guardian to succeed him.

SEC. 24. Whenever any administrator or guardian appointed by any court of probate, or any executor of any will approved by any court of probate, shall, in writing, resign his trust to the court appointing him, such court may accept such resignation and appoint a successor, who shall have all the power that the person resigning had; but no resignation shall be accepted until the person resigning shall have settled his accounts with said court.

SEC. 25. In case the person so resigning shall have been sole executor, administrator or guardian, said court shall proceed and appoint a successor.

SEC. 26. In case the person so resigning, be joint executor, administrator or guardian, with some other person not resigning, such person shall be required to give a new bond, in such sum as said court shall deem reasonable, with sureties satisfactory to said court; upon the giving of which he shall have the same powers in relation to the estate of the deceased or ward that he, together with the person resigning, had jointly; but in case he refuse to give such new bond, said court shall remove him and appoint a new administrator or guardian in his place.

SEC. 27. Such court shall have power, for cause shown, to cancel the bond of any executor, administrator, or guardian so as to relieve the principal or sureties thereof, or both, and to take or accept a new and sufficient bond in its stead.

SEC. 28. Every court of probate shall have power to do and transact all matters and things incidental to the powers hereinbefore granted, and all such other matters and things as are or may be appointed by law.

SEC. 29. The town clerk of each town and city, unless special provision be made by law or charter to the contrary, shall be the clerk of the court of probate of the town or city.

SEC. 30. He shall attend the meetings of such court, record their proceedings, and also all wills, administrations, inventories, accounts, decrees, orders, determinations and other writings, which shall be made, granted or decreed upon by the court of probate of such town; and shall have the custody and safe-keeping of the seal of said court, and of all the books and papers belonging to the probate office.

SEC. 31. Whenever the clerk of any probate court shall not appear at the time and place appointed for the meeting of the court, such court may appoint a clerk pro tempore; who after being duly sworn shall perform all the duties, exercise all the powers, enjoy all the emoluments, and be subject to all the requirements, granted to, or conferred on, or required of, clerks of probate courts.

CHAPTER 152.

OF APPLICATIONS TO, AND OF CITATIONS AND NOTICES BY, COURTS OF PROBATE.

Section	
1.	Application to be in writing and signed.
2.	In what cases notice to parties interested must be given.
3.	In what, need not.
4.	Modes of notice.
5.	Of notice by clerk.
6.	Of notice by assent of parties.
7.	Of notice on petition to remove executor, &c.
8.	Of notice of settlement of account of executor, &c., embracing proceeds of sale of real estate.

SECTION 1. Every application, petition and complaint, to a court of probate, shall be in writing, and signed by, or in behalf of, the party making the same.

SEC. 2. Every court of probate shall, before proceeding, give notice to all parties, known to be interested, in the following cases: —

1. In the granting of letters of administration;

2. In the approving or disapproving of any last will and testament;

3. In the appointment of guardians of minors above fourteen years of age, and of all persons other than minors;

4. In any complaint for the removal of any executor, administrator or guardian;

5. In the acceptance of the resignation of any executor, administrator or guardian;

6. In the making of any decree upon any executor's, administrator's or guardian's account;

7. In the making of any order upon the report of commissioners, on any estate represented insolvent;

8. In the making of any order of distribution among the next of kin of any deceased person;

9. In the granting of any petition of an executor, administrator or guardian, for the sale of any estate of the testator, intestate or ward.

10. In the cancelling of the bond of any executor, administrator or guardian.

SEC. 3. In all other cases in which notice is not, or shall not be, by law required to be given to parties known to be interested, such court shall, previous to proceeding, give such notice in their discretion, only.

SEC. 4. In all cases not specially provided for, in which notice is required, it may be given in either of the following modes, at the discretion of the court: —

1. By causing a citation to be served by some sheriff, deputy sheriff, town sergeant or constable, upon all known parties interested, at least seven days previous to proceeding; which citation

shall give notice of the subject-matter of the proceeding, and of the time and place thereof, and shall be served by reading the same to the parties, if to be found, or by leaving an attested copy thereof at the last and usual place of abode, of each of them;

2. By advertisement of such notice for fourteen days, once a week at least, in some newspaper printed in the state;

3. By causing the clerk of the court to post up such notice in some conspicuous place in his office, or in the place at which the court usually meets, and in one other public place within the town, at least fourteen days before proceeding.

SEC. 5. If it shall appear to the court, before proceeding, that notice has been given to all known parties interested, by the clerk, upon application to him made, in one of the above modes, and that mode be satisfactory to the court, it shall be sufficient to warrant proceeding.

SEC. 6. If all known parties interested in the order or decree shall have given their assent, in writing, to the court's proceeding, at a time and place named in the writing to determine in the premises, it shall be sufficient to warrant proceeding.

SEC. 7. When complaint shall be made by any person interested, or who has been injured or exposed to injury, or by the surety in any executor's, administrator's or guardian's bond, for the removal of such executor, administrator or guardian, a citation shall issue to such executor, administrator or guardian, embodying the substance of the complaint against him, or a copy thereof annexed to such citation, and the citation shall be in the form, and shall be served as provided in the first clause of the fourth section of this chapter.

SEC. 8. The notice given before settling the account of any executor, administrator or guardian, which contains a credit of the proceeds of any sale of any land which belonged to the testator, intestate or ward, or of any wood, timber, stone, peat or coal, from or on such land, shall state that the account to be settled contains such credit.

CHAPTER 153.

OF APPEALS FROM COURTS OF PROBATE.

SECTION

1. Appeal, by what person, to what court, and term of court, taken.
2. Appeal, within what time to be claimed, and of appeal bond.
3. Of reasons of appeal, service of, and of citation.
4. Appeals, when to be proceeded with, and how tried.
5. Of complaint for confirmation of order, upon neglect to prosecute appeal.
6. Effect of appeal upon decree below, generally, and in certain cases.

SECTION 1. Any person aggrieved by any order, determination or decree of any court of probate, except express provision be

made to the contrary, may appeal therefrom to the supreme court, at the term thereof to be holden in the same county next after the rendition of said order, determination or decree, if said term do not commence within sixty days of said time, and if it do so commence, then at said term, or at the next succeeding term, of the said court in the same county.

SEC. 2. Such appeal must be claimed by the aggrieved party within forty days next after such order, decree or determination shall have been made; and bond shall then be given to said court of probate, with surety satisfactory to said court, or to the clerk thereof, if said court shall not then be in session, to prosecute such appeal with effect, or in default thereof to pay all intervening costs and damages, and such costs as the supreme court shall tax against the appellant.

SEC. 3. The person so appealing shall, within ten days after giving bond as provided in the preceding section, file his reasons of appeal in the office of the clerk of the court appealed to; and shall cause the adverse party to be served with a copy thereof, and to be cited at least ten days before the sitting of the court appealed to, that such party may prepare to answer the same.

SEC. 4. Appeals shall be proceeded upon at the term of the supreme court at which they shall be entered. If a matter of fact be in controversy, the same shall be tried by a jury, if either party request it.

SEC. 5. If the party appealing give bond as aforesaid, but shall neglect to prosecute said appeal in manner aforesaid, the supreme court, upon the complaint of any person interested in the order, determination and decree appealed from, may affirm the same and pass such further decree or order as may be necessary to carry the same into full effect.

SEC. 6. In case any order, decree or determination of any court of probate shall be appealed from, the operation of such order or decree shall be wholly suspended until the same shall be affirmed by the supreme court: *Provided*, that if the decree shall be for granting letters testamentary, of administration or guardianship, the executor, administrator or guardian, on giving bond according to law, shall have power to collect, receive and take possession of all the rights, credits and estates of the testator, intestate or ward, which by law he could have collected, received or taken possession of, provided no appeal had been made; and to take proper care of the ward and his family during the pendency of said appeal.

TITLE XXIV.

Of the Estates of deceased persons.

CHAPTER 154. Of wills.
CHAPTER 155. Of the probate of wills.
CHAPTER 156. Of the administration of testate and intestate estates.
CHAPTER 157. Of the inventory and assets of estates of deceased persons.
CHAPTER 158. Of insolvent estates of deceased persons.
CHAPTER 159. Of descent, distribution, division and advancement.
CHAPTER 160. Of estates of persons dying without known heirs, and of unclaimed shares of, and debts against, estates of deceased persons and wards.
CHAPTER 161. Of debts and charges against the estates of deceased persons, and of legacies, and of actions for the recovery of the same.
CHAPTER 162. Of the settlement of accounts of executors and administrators.
CHAPTER 163. Of the bonds of executors and administrators, and of suits thereon.

CHAPTER 154.

OF WILLS.

SECTION
1. Who may make wills, and how and what may devise.
2. Of estates tail by devise.
3. Husband's curtesy saved from wife's will.
4. Legal requisites of a devise.
5. Devise, how may be revoked.
6 and 7. Wills of personal estate, by whom and how may be made.
8. Nuncupative wills.
9. Provision in lieu of dower, when to be rejected.
10. Right of child born after execution of will of parent.
11. Estate undisposed of by will deemed intestate.
12. Rights of lineal descendant of devisee, &c., dying before testator.
13. Witnesses of will interested in, to lose devise or bequest, and prove.
14. Exception in favor of creditors whose debts are charged by.
15. Effect of death of witness of.

SECTION 1. Every person of the age of twenty-one years and upwards, and of sane mind, and being lawfully seized of any lands, tenements or hereditaments, in his own right in fee-simple, fee-tail, or for the life of any other person, or for any other term of time than his own life, shall have a right to give, devise and dispose of the same, by last will or testament, in writing, to and among his children or others, as he shall think fit; and he may also devise any lands, tenements or hereditaments, acquired subsequently to the execution of his will, provided his intention to devise the same appears by the express terms of his will.

SEC. 2. No person seized in fee-simple shall have a right to devise any estate in fee-tail for a longer time than to the children of the first devisee; and a devise for life to any person and to the children or issue generally of such devisee, in fee-simple, shall not vest a fee-tail estate in the first devisee, but an estate for life only; and the remainder shall, on his decease, vest in his children or issue generally, agreeably to the direction in such will.

SEC. 3. The will of a married woman shall not impair the rights of her husband, upon her death, as tenant by the curtesy.

SEC. 4. All devises and bequests of any lands, tenements or hereditaments, shall be in writing, and signed by the party devising the same, or by some person in his presence and by his express direction; and shall be attested and subscribed in the presence of the devisor, by three or more witnesses, or else shall be utterly void and of no effect.

SEC. 5. No devise or bequest in writing of any lands, tenements or hereditaments, or any clause thereof shall be revocable, otherwise than by a marriage of the testator subsequent to the date thereof, or by some other will or codicil in writing, or other writing revoking the same, or by burning, cancelling, tearing or obliterating the same, by the testator himself, or in his presence and by his direction and consent; but all devises of lands and tenements shall remain and continue in full force until the same be burned, cancelled, torn or obliterated by the testator, or by his direction, in manner aforesaid; or unless the same be altered by some other will or codicil or other writing of the devisor, signed in the presence of three or more witnesses, declaring such alteration.

SEC. 6. Every person being upwards of eighteen years of age, and of sane mind, shall have a right to give and dispose of all his goods, chattels and other personal estate of every kind, by last will and testament in writing, in the same manner as he is authorized by this chapter, if of twenty-one years of age and upwards, to dispose of real estate.

SEC. 7. No will or testament of any goods or chattels or other personal estate shall be valid and effectual to convey the same, unless such will or testament shall be in writing, and signed and executed in the manner prescribed in this chapter for the execution of wills of real estate; nor shall any will of goods, chattels or other personal estate of any kind be revocable, in any other manner

than is hereinbefore prescribed for the revocation of wills or testaments of real estate.

SEC. 8. Any soldier in actual military service, or any mariner or seaman being at sea, may dispose of his personal estate by will, as he might heretofore have done.

SEC. 9. The widow of any testator in whose will provision is made for said widow in lieu of her dower, shall, in case of her non-acceptance of such provision, signify the same in writing to the court of probate, within one year from the probate of the will.

SEC. 10. When any child shall be born after the execution of his father's or mother's will, without having any provision made for him in such will, he shall have a right and interest in the estate of his father or mother, in like manner as if the father or mother had died intestate, and the same shall be assigned to him accordingly.

SEC. 11. All estate, real and personal, not devised or bequeathed in the last will and testament of any person, shall be distributed in the same manner as if such person died intestate.

SEC. 12. When any child, grandchild or other person having a devise or bequest of real or personal estate, shall die before the testator, leaving a lineal descendant, such descendant shall take the estate, real or personal, as devisee or legatee, in the same way and manner as such devisee would have done in case he had survived the testator.

SEC. 13. If any person has attested or shall attest the execution of any will or codicil, to whom any beneficial devise, legacy, estate, gift or appointment of or affecting any real or personal estate, other than and except charges on lands, tenements or hereditaments, for the payment of any debts, shall be thereby given or made, such devise, legacy, estate, interest, gift or appointment shall, so far only as concerns such person attesting the execution of such will or codicil, or any person claiming under him, be utterly void; and such person shall be admitted as a witness to the execution of such will or codicil, such devise, legacy, estate, interest, gift or appointment, notwithstanding.

SEC. 14. In case, by any will or codicil already made, or hereafter to be made, any lands, tenements or hereditaments are or shall be charged with any debt, and any creditor whose debt is so charged has attested or shall attest the execution of such will or codicil, every such creditor, notwithstanding such charge, shall be admitted as a witness to the execution of such will or codicil.

SEC. 15. In case any devisee or legatee as aforesaid, who has attested the execution of any will or codicil already made, or who shall attest the execution of any which shall hereafter be made, shall die in the lifetime of the testator, or before the probate of such will, such devisee or legatee shall be deemed to have been a legal witness to the execution of such will or codicil, within the intent of this chapter, notwithstanding such legacy or bequest.

CHAPTER 155.

OF THE PROBATE OF WILLS.

SECTION
1. Probate of, necessary and conclusive.
2. Duty of custodian of will to deliver same.
3. Duty of executor to prove and record or to refuse executorship.
4. Penalty upon custodian and executor for neglect of duty.
5. Of recording foreign wills.
6. Of notice in case of application to record foreign will.
7. Of duty of court in case of such application.
8. Effect of filing and recording foreign will, and power of court to grant letters on, and take bond.
9. Effect of foreign will limited.
10. Appeal from filing and recording will.

SECTION 1. No will shall be effectual to pass either real or personal estate, unless it has been duly proved and allowed in the court of probate; and the probate of a will devising real estate, shall be as conclusive as to its due execution, as in case of a will of personal estate.

SEC. 2. Every person having the custody of any will, shall within thirty days after he has knowledge of the decease of the testator, deliver the same to the court of probate or to the person named in such will as executor.

SEC. 3. Every person named as executor of any will shall, within thirty days after the decease of the testator, or within thirty days after he has knowledge that he is so named, cause such will to be proved and recorded in the office of the clerk of probate of the town where the testator last dwelt, or file the same in the probate office, and in writing declare his refusal of the executorship.

SEC. 4. Every person or executor who shall neglect his duty and trust as prescribed in the two sections next preceding without just excuse made and accepted by the court of probate for such delay, shall forfeit the sum of ten dollars a month from and after the expiration of said thirty days, until he shall deliver the same, or cause the same to be proved and recorded, or shall file the same with his refusal as aforesaid, one half of such forfeiture to enure to those entitled under such will, and the other half to him who shall sue for the same.

SEC. 5. When the executor or any other person interested in any will that has been proved and allowed in a court of probate in any of the United States, or in a court of probate in any state or kingdom, shall produce a copy of such will, with a copy of the probate thereof, under the seal of the court where the same will has been proved and allowed, unto any court of probate in any town in this state where the testator had estate real or personal, whereon the same will may operate, and shall in writing request that the same may be filed and recorded in the probate office in such town, the said court shall assign a time and place for taking the same into consideration.

SEC. 6. Upon such request the said court shall cause notice thereof to be given in the same manner as though said will was presented to such court for probate, to the end that any person may appear and show cause against the filing and recording the same.

SEC. 7. If at the time assigned no objection is made, or none in the judgment of said court sufficient to prevent it, the said court may cause the same copy to be filed in the registry of said court of probate, and direct the same to be recorded.

SEC. 8. When a copy of any will which has been proved and allowed in any court of probate in any of the United States or in any foreign state, shall be directed to be filed and recorded in any probate court in this state pursuant to the preceding three sections, the filing and recording thereof shall be of the same force and effect as the filing and recording of an original will, proved and allowed in the said court of probate; and said court may grant letters testamentary to the executor therein named, or letters of administration with the will annexed, to such person as said court may deem fit, taking bond from such executor or person, as in case of a will proved and allowed in said court.

SEC. 9. Nothing in the preceding four sections shall be construed to make valid any will that is not executed, subscribed and attested according to the law of this state, nor to give any operation or effect to the will of an alien different from what it would have had if originally proved and allowed in this state.

SEC. 10. Any person deeming himself to be aggrieved by the order of a court of probate directing the filing and recording of any such copy of a will proved out of this state, may appeal therefrom to the supreme court as from other orders and decrees of a court of probate.

CHAPTER 156.

OF THE ADMINISTRATION OF TESTATE AND INTESTATE ESTATES.

SECTION

1. Right of executor to letters, when.
2 and 3. Right of court to appoint administrator of, when.
4. Right of widow or next of kin to administration.
5. Effect of neglect of widow or next of kin to apply within thirty days.
6. Non-resident, when may be appointed administrator.
7. Husband's right to administration.
8 and 9. Of administration of estates of absent persons, and effect of return.
10. Of administration bond.
11. Effect of neglect to give bond.

SECTION

12. Of bond to be given by direction of testator.
13. Of husband's bond.
14. Of bond of executor, who is residuary legatee.
15. Intermeddling of executors prohibited before bond.
16. Effect of marriage of joint executrix or administratrix.
17. Effect of, when sole executrix, etc.
18. Effect of death or refusal of a joint executor.
19 and 20. Effect of death of sole executor.

SECTION
21. Executor and administrator, when removable.
22. Resignation of, when to be accepted.
23. Effect of resignation of executor when joint and when sole.
24. Power and duty of new administrator.
25. Suits not abated by removal or resignation.
SECTION
26. Rights of joint executors and administrators *inter sese*.
27. Power of administrator with will annexed to sell under will.
28. Liability of person alienating or embezzling estate of deceased, before qualified as administrator, &c.
29. Notice of appointment to be given by executors and administrators.

SECTION 1. Upon the probate of the will of any deceased person, letters testamentary shall be granted to the executor named therein, provided he be of full age, and give bond as hereinafter required.

SEC. 2. Upon the neglect or refusal of the executor named in any will to present the same for probate, the court of probate shall commit administration of the estate of the deceased to one or more of the devisees or legatees, or in case of their refusal, to one or more of the principal creditors, or to such other person as the court may think fit.

SEC. 3. If the executor named in the will be under the age of twenty-one years at the time of proving the will, administration may be granted with the will annexed during the minority of such executor, to such person as the court may think fit.

SEC. 4. Administration of the estate, both real and personal, of a person dying intestate, shall be granted to the widow or next of kin to the intestate, being of the age of twenty-one years and upwards, or to both, as the court of probate may think fit.

SEC. 5. After the expiration of thirty days from the death of any person intestate, in case the widow or next of kin shall neglect to take out letters of administration or to apply therefor within that time, the said court may commit administration of such estate to some suitable person, of full age, not being at the time a member of the court.

SEC. 6. No person, not an inhabitant of this state, shall be appointed administrator by reason of any right to such trust, unless other circumstances, in the opinion of the court, render such appointment proper.

SEC. 7. The husband shall be entitled to the administration of his wife's personal estate, in case of her intestacy, and shall not be compelled to distribute the same amongst the next of kin, but shall have and retain the surplus thereof, after payment of her debts, for his own use.

SEC. 8. If any person shall be absent from this state for the term of three years, without due proof of his being alive, the last will and testament of such person may be proved and administration may be granted on such person's estate, as if he were naturally dead.

SEC. 9. If such person shall afterwards return to this state, or shall constitute an agent or attorney to act in his behalf, the executor or administrator as aforesaid shall be accountable for, and shall deliver to such person or his lawful agent or attorney, all the

estate of every kind which shall then be in his hands as executor or administrator as aforesaid, after deducting such sum or sums as the court of probate shall allow, in the settlement of his accounts, for any payment or disbursements which he may have legally made in his said capacity, or which said court of probate may think reasonable to allow, for his personal trouble in executing the trust of executor or administrator as aforesaid.

SEC. 10. Every executor and administrator shall, before entering upon the execution of his trust, give bond to the court of probate, with sufficient sureties, substantially in the following form, to wit:

Know all men by these presents, that we are holden, and stand firmly bounden and obliged unto the court of probate in the town of in the county of in the full sum of dollars, to be paid to the said court: to the true payment whereof we bind ourselves, jointly and severally, firmly by these presents. Sealed with our seals, this day of in the year . The condition of this obligation is such, that if the above bounden who is appointed administrator on the estate of late of deceased, do make or cause to be made a true and perfect inventory of all and singular the goods, chattels, rights and credits of the said deceased, which have or shall come to the hands, possession or knowledge of the said or unto the hands or possession of any other person for and the same so made do exhibit upon oath to the court of probate for the said town of within three months from the date hereof; and the same goods, chattels, rights and credits, and all other the goods, chattels, rights and credits of the said at the time of death, or which at any time hereafter shall come to the hands and possession of the said or to the hands and possession of any other person or persons for do well and truly administer according to law, and further do make or cause to be made a just and true account of said administration, upon oath, at or before the day of which will be in the year and all the rest and residue of said goods, chattels, rights and credits, which shall be found remaining upon said administrator's account, the same being examined and allowed by the court of probate for the time being, in the said town of shall deliver and pay to such person or persons as the said court of probate, by their decree pursuant to law, shall limit and appoint, or, according to law; and if it shall hereafter appear that any last will or testament was made by the said deceased, and the executor or executors therein named do exhibit the same unto the court of probate for the town of in the county of making request to have it allowed and approved accordingly, if the said being thereunto required, do render and deliver the said letters of administration (approbation of said last will and testament being first had and made) into the said court; then the before written obligation to be void and of none effect, or else to be and remain in full force and virtue.

Signed, sealed and delivered, }
in presence of }

SEC. 11. In case an executor shall neglect or refuse for the term of twenty days to give bond as aforesaid, the court of probate may commit administration of the estate of the testator, with the will annexed, to some other person, such as the court may think fit.

SEC. 12. The executor of any person who in his will shall so direct, instead of the above bond, may give bond to pay the funeral charges, debts and legacies of the testator.

SEC. 13. The husband, as administrator on his wife's personal estate, in case she die intestate, instead of the above bond, may give bond to pay her just debts and need render to the court of probate no account.

SEC. 14. If the executor be residuary legatee, he may, instead of the above bond, give bond to pay the funeral charges, debts and legacies of the testator, and need render to the court of probate no account.

SEC. 15. If there be divers persons named as executors in any will, none shall intermeddle or act as such but those who actually give bond as aforesaid.

SEC. 16. When any unmarried woman shall jointly with one or more persons be appointed executrix or administratrix, and after such appointment shall marry, during the life of the other executor or administrator, such marriage shall not make the husband an executor or administrator in her right, but shall operate as an extinguishment or determination of such woman's power and authority; and the other executor or executors, administrator or administrators, may proceed in discharging the trust reposed in them in the same way and manner as if such woman were dead.

SEC. 17. When any unmarried woman, executrix or administratrix shall marry, such marriage shall not make her husband an executor or administrator in her right, but shall operate as an extinguishment of such woman's power; and the court of probate shall thereupon grant administration upon the unadministered part of the estate, to such husband or to any other suitable person; who may prosecute or defend any suit which may have been commenced by or against the first executrix or administratrix, in the same manner and to the same purpose and effect as she might have prosecuted or defended the same if her trust had continued.

SEC. 18. If any testator shall appoint more than one executor of his will, and some of them do not accept the trust, or having accepted thereof, shall die, those who shall undertake to execute the will, and the survivors of them, shall have the same power and authority as is given by such will to the whole of them, to every intent and purpose whatsoever.

SEC. 19. In case of the decease of any person who, while living, and at the time of his decease, was the executor of the last will and testament of any person previously deceased, and whose estate had not been fully administered upon by such deceased executor, the court of probate in the town in which such will was proved and recorded shall proceed and grant letters of administration with the will annexed, to such person as the court shall think fit.

SEC. 20. In no case shall the executor of a deceased executor, in consequence thereof become an executor of the first testator.

SEC. 21. If any executor or administrator shall neglect or refuse, after due notice from the court of probate, to render his account and make a settlement of such estate with the creditors' legatees, next of kin or their legal representatives, or when any executor or administrator shall become insane, or otherwise incapable of, or evidently unsuitable to discharge the trust reposed in him, the court of probate that proved the will or granted letters of administration are authorized and empowered, in such cases, to grant letters of administration with the will annexed, or otherwise as the case may require, to such person as they may think fit; and the administrator so appointed shall have full power and authority to administer the estate of the deceased not administered by such former executor or administrator.

SEC. 22. When any executor or administrator shall in writing, resign his trust to the court appointing him, such court may accept such resignation and appoint a successor, who shall have all the power that the person resigning had; but no resignation shall be accepted until the person resigning shall have settled his accounts with said court.

SEC. 23. In case the person so resigning shall have been sole executor or administrator, said court shall proceed and appoint a successor; if he were joint executor or administrator with some other person not resigning, such person shall be required to give a new bond, in such sum as said court shall deem reasonable, with sureties satisfactory to said court; upon the giving of which he shall have the same powers in relation to the estate of the deceased that he, together with the person resigning, had jointly; but in case he refuse to give such new bond, said court shall remove him, and appoint a new administrator in his stead.

SEC. 24. An administrator appointed to succeed an executor or administrator resigning or removed, shall ask for, demand and receive of the executor or administrator resigning or removed, his heirs, executors or administrators, or guardian, all the goods and effects of the deceased or of the ward, and also all books of account, bonds, notes or other securities, documents or papers whatsoever, touching the estate, which may be needed in the settlement thereof; and in case of refusal to deliver the same, he may sue therefor; which action shall be no bar to any other proper action to be brought on such executor's or administrator's bond.

SEC. 25. No action or suit in law or equity which, at the time such executor or administrator resigns or is removed from office as aforesaid, shall be pending in favor of or against such executor or administrator, shall abate by such resignation or removal; but the same may be prosecuted by or against the administrator who shall be appointed to succeed him.

SEC. 26. When two or more shall have letters testamentary or letters of administration granted to them of any estate, and any one or more of them shall take all or the greatest part of such estate into his or their hands, and refuse to pay the debts or funeral

charges of such testator or intestate, or shall refuse to account with the other executor or administrator, the aggrieved executor or administrator may bring his action of account, or in the nature of account, against the other, and recover his proportionate share of such estate.

SEC. 27. The administrator with the will annexed who shall be appointed by the court of probate, shall have the same power to sell and convey real estate as may be given by such will, or by law, to the executor or executors thereof.

SEC. 28. If any person shall alienate or embezzle any of the goods, chattels or other personal estate of any deceased person, before he shall have taken out letters of administration and exhibited a true inventory of all the known estate of the person deceased, every such person shall stand chargeable and be liable to the creditors and other persons aggrieved, as being an executor in his own wrong.

SEC. 29. Every executor and administrator shall, as soon as may be after his appointment, give notice thereof by publishing the same in some public newspaper in this state, nearest the place in which the deceased person last dwelt, and in such other manner as the court of probate may direct.

CHAPTER 157.

OF THE INVENTORY AND ASSETS OF ESTATES OF DECEASED PERSONS.

SECTION
1. Inventory of assets, when to be returned.
2. What to contain, and of appraisers.
3. Wearing apparel, within what limits not assets.
4. Widow's right to apparel, household goods and supplies.
5. What emblements assets, and what not.
6. Effect of appointing debtor executor.
7. Debts due by mortgage on real estate, when assets.
8, 9 and 10. Power of executor, &c., of mortgagee out of possession, over mortgage.
11. To whose use seized, upon recovering possession of estate mortgaged.

SECTION
12 and 13. Duty and power of, as to, when mortgaged estate necessary to pay debts and legacies, &c.
14. Power of, to discharge mortgage in case of redemption.
15. Of license to sell mortgaged estate, when testator or intestate dies seized.
16. Of distribution and partition of mortgaged estate.
17. Power of court to license sale of real estate, &c., of decedent, when and how.
18 and 19. Power of court to examine and commit person suspected of embezzling estate of decedent.

SECTION 1. Every administrator, except the husband as administrator on his wife's personal estate, and every executor, unless as residuary legatee he has given bond to pay the funeral charges,

debts and legacies of the testator, shall, within three months after his appointment, return to the probate office, under oath, a true inventory of all the goods, chattels, rights and credits of the deceased, that shall have come to the knowledge of such executor or administrator.

SEC. 2. Such inventory shall contain a just appraisement of the goods and chattels, rights and credits, therein specified, to be made by three suitable persons, to be appointed by the court of probate, not members of said court, who shall be sworn by the court, or by some justice of the peace of the town in which they are appointed, or by some public notary, to the faithful discharge of their trust.

SEC. 3. The wearing apparel of any person deceased, not exceeding in value the sum of one hundred dollars, not including in wearing apparel jewels and watches, shall not be included in the inventory, nor be considered as assets in the hands of the executor or administrator for the payment of debts, but may be bequeathed and if not bequeathed, shall go to the next of kin of the deceased.

SEC. 4. If the personal estate of any deceased person be insufficient to pay the debts and funeral charges of the deceased, the widow shall nevertheless be entitled to her apparel and to that of her children, and to such bedding and other household goods, supplies on hand and such other property of the husband as is exempt from attachment by law, as the court of probate shall judge necessary, according to her situation and the circumstances of the estate; and such part of the personal estate as the court may allow to the widow, shall not be assets, though inventoried, in the hands of the executor or administrator; and in any case when there shall be no children of the deceased person, or their descendants, living at the time of the decease, the said court of probate shall also allow and set off to the widow, such portion of the real estate of her deceased husband which shall not be required for the payment of debts, as may be suitable for her situation and support, and be in accordance with the circumstances of the estate; and such widow shall hold such real estate in addition to her dower upon the same terms and conditions, and for the same period as she holds her estate of dower.

SEC. 5. If any testator or intestate shall die after the first day of March, all the emblements of his lands that shall be severed before the thirty-first day of December next following, shall be included in the inventory, and be assets in the hands of his executor or administrator; but all such emblements growing on the lands on the day last mentioned, or at the time of the death of the testator or intestate, if that event happen after the thirty-first day of December, and before the first day of March shall not be so included, but shall pass with the land to the heir, devisee or tenant in reversion or remainder.

SEC. 6. The appointment of a debtor as an executor shall in no case be deemed an extinguishment of the debt, but all such debts shall be accounted for as assets by the executor, unless otherwise directed by the will.

SEC. 7. Debts due by mortgage of real estate, and the mortgaged premises shall, before foreclosure of the mortgage, be considered personal property; and as such shall be included in the inventory as assets in the hands of the executor or administrator, and be distributed.

SEC. 8. If the deceased mortgagee of real estate shall not, in his lifetime, have recovered seizin and possession of any real estate mortgaged to secure such debt, his executor or administrator shall have the same control of his interest in the real estate mortgaged, as he would have in personal estate mortgaged to his testator or intestate.

SEC. 9. He may sell or dispose of the mortgage in his discretion, for the amount due thereon, or for any less amount, upon obtaining leave therefor from the court of probate appointing him.

SEC. 10. He may take the surrender of or sue in ejectment for, the seizin and possession of the real estate mortgaged as aforesaid, in which action, it shall be sufficient for him to declare on the seizin and possession of his testator or intestate.

SEC. 11. Upon recovery or surrender of possesssion of real estate mortgaged as aforesaid, the executor or administrator shall be seized and possessed of the mortgaged estate to the sole use of the heirs of the intestate or of the devisees of the testator to whom such estate may be devised.

SEC. 12. In case the lands mortgaged and recovered as aforesaid shall be necessary for the payment of debts, legacies or charges of administration, and the same shall be certified from the court of probate, the executor or administrator shall have full right, power and authority to dispose and make sale of the whole or part of the real estate recovered as aforesaid, subject however to the equity of redemption.

SEC. 13. It shall also be lawful for the executor or administrator to sell the same at private sale to any person who shall pay therefor the whole of the money due upon the mortgage at the time of sale, provided the court of probate shall give leave for such private sale; otherwise, the same shall be sold at public auction to the highest bidder; and notice of such intended sale shall be given in the manner prescribed by law for the sale of real estate by executors or administrators.

SEC. 14. After the surrender or recovery of possession of real estate mortgaged as aforesaid, and before conveyance or assignment in manner aforesaid, or in case the testator or intestate die possessed of any real estate mortgaged to him which may be redeemed, if the mortgagor, his heirs, executors, administrators or assigns, shall within the time limited for the equity of redemption, redeem the mortgaged premises, the executor or administrator shall, in every instance, be entitled to receive the redemption money for distribution or payment to the devisee, and is authorized, empowered and directed to discharge the mortgaged premises, by release, quitclaim or other legal conveyance.

SEC. 15. If the testator or intestate die seized of any real estat

mortgaged to him, the same, and the mortgage on the same shall be sold by the executor or administrator only for payment of debts or legacies and charges of administration upon obtaining license from the court of probate therefor, in the same manner as other real estate of which the testator or intestate died seized.

SEC. 16. In all cases of land mortgaged to a testator or intestate, the same shall, if not redeemed or sold as aforesaid, be assigned and distributed to the same persons, and in the same proportions as if it had been a part of the personal estate of the deceased; and if the same shall come to two or more persons, partition thereof may be made by the court of probate, or by action, in like manner as if it had been the absolute property of the testator or intestate.

SEC. 17. When the personal estate of any person deceased shall not be sufficient to pay the debts which the deceased owed, the expenses of his funeral, and of supporting his family and settling his estate, in manner prescribed by law, the court of probate which shall have granted letters testamentary or of administration on such estate, shall thereupon authorize and empower the executor or administrator appointed to settle such estate, to make sale at public auction of so much of the land, or of so much of the wood or timber standing or growing on the land, or of so much of the stone in the quarry or otherwise on the land, or of so much of the coal, or of so much of the peat on the land of such deceased person as shall be necessary to make up the deficiency of the personal estate for the purpose aforesaid, with incidental charges.

SEC. 18. Courts of probate shall have power to call before them and examine upon oath, any person suspected and complained of by any executor, administrator, heir, creditor, legatee or other person having lawful right or claim to the estate of any person deceased, to have concealed, embezzled or conveyed away any of the personal estate left by the testator or intestate, for the discovery of the same.

SEC. 19. If the person suspected and complained of as aforesaid shall refuse to be examined, or to answer interrogatories upon oath, respecting the estate which he may be suspected of concealing, embezzling or conveying away, the said court of probate may commit the person so refusing to the jail of the county, there to remain until he shall consent to be examined and answer interrogatories upon oath as aforesaid, or shall be released by the consent of the person suspecting and complaining against him, or by order of the supreme court.

CHAPTER 158.

OF INSOLVENT ESTATES OF DECEASED PERSONS.

SECTION
1. How to be distributed, and what claims against, preferred.
2. Of representation of insolvency and appointment and powers of commissioners.
3. Notice of meetings of commissioners.
4. Commissioners, how qualified, and power of, to administer oaths, &c.
5. Time to be allowed to bring in claims, and of extension of time.
6. Report of commissioners.
7. Order of court upon reception of report.
8. Right of creditor to sue, if claim rejected.
9. Right of, to appeal from allowance of claim, to executor or administrator.
10. Judgment of court what, in case of suit or appeal.

SECTION
11. Right of executor, &c., to reject claim allowed, and of creditor to sue for same.
12 and 13. Right of executor, &c., to submit claim against estate, and what done with claim allowed by referees.
14. Actions against executor, &c., of insolvent estate for what causes brought; of judgment, in case of suits by way of appeal from commissioners.
15. Proceedings in suits pending against estate represented insolvent.
16. Claims not made out before commissioners, how far barred.
17. Pendency of commission, how long bar to suits.

SECTION 1. When the estate of any person deceased shall be insolvent or insufficient to pay all the just debts which the deceased owed, the same shall be distributed to and amongst all the creditors in proportion to the sums to them respectively owing, so far as the said estate will extend; saving that the debts due to the United States and necessary funeral charges of the deceased, the charges for attendance and medicines in the last sickness, debts due to this state, and all state and town taxes, are to be first paid, and in the order in which they are named.

SEC. 2. The executor or administrator of any such insolvent estate, before payment to any be made, except as aforesaid, shall represent the condition and circumstances thereof unto the court of probate which granted letters testamentary or of administration thereon; and the said court shall appoint three fit and disinterested persons to be commissioners, with full power to receive and examine all claims of the several creditors, and how they are made out.

SEC. 3. Said commissioners shall put up notifications of the times and places of their meeting to attend the creditors for the receiving of their claims, in three or more public places in the town, and one notification on or near the door of the court-house in the county where the deceased last dwelt; or shall advertise the said times and places in one or more of the newspapers printed in this state, nearest to the place of meeting, for at least three full weeks before the time appointed for their first meeting.

SEC. 4. They shall be sworn to the faithful discharge of their duty, before the court appointing them, or some officer authorized

to administer oaths; and shall have power to administer oaths to all persons who shall be called to give evidence in any matter to be tried before them, and to compel the attendance of any witnesses in the same manner and by the same process that courts of record have.

SEC. 5. The court of probate shall allow six, twelve or eighteen months' time, as the circumstances of any estate may require, unto the creditors, to bring in their claims and prove their debts; and if it shall be made to appear to said court before the actual distribution of any of the estate, as is hereinafter provided, that any of the creditors of the deceased have neglected, through accident or mistake, to present their claims to the said commissioners, within the time limited for that purpose, said court may extend the time for presenting claims to any period not exceeding eighteen months from the date of the commission; and such notice shall be given of such extension as said court may direct.

SEC. 6. At the end of the time limited as aforesaid, the commissioners, or a major part of them, shall make their report and present a list of all the claims by them allowed, including interest on such as draw interest, up to the time of the death of the testator or intestate, unto the court of probate.

SEC. 7. Upon receiving the report of the commissioners, the court shall order them a meet recompense out of the estate, for their care and trouble in examining the claims; and, the debts due to the United States, and necessary funeral charges of the deceased, the charges for attendance and medicines in the last sickness, debts due to this state, and all state and town taxes, being first paid, in the order aforesaid, and deducted by the court of probate, they shall order the residue and remainder of the estate, both real and personal, the real estate being sold according to law, to be paid and distributed to and amongst the creditors who shall have made out their claims as aforesaid, in proportion to the sums unto them respectively due and owing; saving unto the widow, if any there be, her apparel and that of her children, and such bedding and other household goods and supplies on hand, as are necessary for the upholding of life, and her right of dower in the real estate of the deceased.

SEC. 8. Notwithstanding the report of the commissioners, any creditor whose claim is wholly or in part rejected, may have the same determined at common law, in case he shall give notice thereof in writing in the office of the clerk of probate, within forty days, and bring and prosecute his action within sixty days after such report shall be received.

SEC. 9. In case any one or more creditors of, or persons entitled to distribution in any estate represented insolvent, shall be dissatisfied with the allowance by the commissioners of any claim preferred on his own part by the executor or administrator of such estate, such creditor or creditors, person or persons entitled as aforesaid, may appeal from the judgment of said commissioners in respect to such claim, to the supreme court in the same county, in the same manner, and with like effect, as is provided by law in case of other

appeals from the orders, determinations or decrees of courts of probate.

SEC. 10. The judgment of the supreme court respecting such claim shall ascertain the amount of the same, to be added to or deducted from the commissioners' report, as the case may be; the costs of the appeal to be awarded by the court against either party, or divided between them, as justice may require, and execution therefor to issue accordingly.

SEC. 11. In case the executor or administrator shall be dissatisfied with any creditor's claim allowed by the commissioners, and shall give notice thereof in the clerk of probate's office, and also to the creditor, within forty days as aforesaid, such claim shall by the court of probate be stricken out of the commissioner's report; in which case the claimant may, within sixty days after notice thereof, bring his action at common law, in the same manner and with like effect as if his claim had been wholly or in part rejected by the commissioners.

SEC. 12. Executors and administrators may, by rule of court, submit any claim against the estate represented insolvent, to reference, in which case the determination of the referees shall be final.

SEC. 13. When a claim shall be settled by referees, or in the course of the common law as aforesaid, execution shall not issue as in common cases; but the amount so ascertained shall be the amount of the claim, and be added to or deducted from the commissioner's report, as the case may require.

SEC. 14. No action brought against any executor or administrator after the estate shall be represented insolvent, shall be sustained, except for debts due to the United States, and necessary funeral charges of the deceased, for attendance and medicines in the last sickness, for debts to this state and for all state and town taxes; unless the executor or administrator having objection to the claim upon which such action shall be brought, shall consent to have the same settled by course of law; in which case, the judgment of the court shall determine the said claim, which, with the taxed costs, shall be reported by the commissioners as the amount thereof.

SEC. 15. All actions brought against any executor or administrator before the estate is represented insolvent, or against the testator or intestate in his lifetime, which shall survive, and in which the executor or administrator being cited shall appear, shall be continued until it shall appear whether the said estate is insolvent or not; and if found insolvent, the process shall be conducted as above provided.

SEC. 16. If any creditor shall not make out his claim with the commissioners within the time of their commission, or at common law, or before referees, in the manner provided by this chapter, he shall be forever barred of his action therefor against the executor or administrator, unless there shall be estate remaining in the hands of such executor or administrator, upon the settlement of his account with the court of probate after deducting the amount of the claims allowed by the commissioners from the amount of

the estate of the testator or intestate remaining in the hands of such executor or administrator, to be applied to payment of the debts of the testator or intestate.

SEC. 17. The pendency of any commission as aforesaid shall be no bar to any action against the executor or administrator as aforesaid, after the expiration of two years from the time letters testamentary or of administration were granted.

CHAPTER 159.

OF DESCENT, DISTRIBUTION, DIVISION AND ADVANCEMENT.

SECTION

1 and 2. Courses of descent of intestate real estate.
3. To inherit, must be capable as heirs at intestate's death, except children.
4. Of inheritance by moieties of paternal and maternal kindred.
5. Descendants of deceased heir, what to inherit.
6. Ancestral estate, descent of.
7. Bastard, how far may inherit.
8. Saving of dower and curtesy.
9. Personal estate of intestate, how to be distributed.
10. Distributive share, when demandable.
11. Division by court of probate of real estate, upon what application made.
12. Of proceedings and notice, upon application for.
13. Of decree for, and appointment of commissioners to make.

SECTION

14. Warrant to commissioners.
15 and 16. Proceedings by commissioners.
17. Report of commissioners and of record of same.
18. Advancement to child, &c., by whom and when to be ascertained.
19. Application by infant for division, by whom to be made.
20. What shall be deemed an advancement.
21. What, in case of real estate acquired subsequent to making will.
22. Of division of real estate holden in common by devise.
23. Of division of dower lands after widow's decease.
24. Of appeal from order of division; and expenses of division, how levied.

Descent.

SECTION 1. When any person having title to any real estate of inheritance shall die intestate as to such estate, it shall descend and pass in equal portions to his kindred in the following course:—

First. To his children or their descendants, if any there be;

Second. If there be no children nor their descendants, then to the father of such intestate;

Third. If there be no father, then to the mother, brothers and sisters of such intestate, and their descendants, or such of them as there be.

SEC. 2. If there be no mother nor brother nor sister, nor their descendants, the inheritance shall go, in equal moieties, to the paternal and maternal kindred, each in the following course:—

First. To the grandfather, if any there be;

Second. If there be no grandfather, then to the grandmother,

uncles and aunts, on the same side, and their descendants, or such of them as there be;

Third. If there be no grandmother, uncle nor aunt, nor their descendants, then to the great-grandfathers, or great-grandfather, if there be but one;

Fourth. If there be no great-grandfather, then to the great-grandmothers, or great-grandmother, if there be but one, and the brothers and sisters of the grandfathers, and grandmothers, and their descendants, or such of them as there be, and so on, in other cases, without end; passing to the nearest lineal male ancestors, and for want of them to the lineal female ancestors, in the same degree, and the descendants of such male and female lineal ancestors, or such of them as there be.

SEC. 3. No right in the inheritance shall accrue to any persons whatsoever, other than to the children of the intestate, unless such persons be in being, and capable in law to take as heirs, at the time of the intestate's death.

SEC. 4. When hereinbefore the inheritance is directed to go by moieties to the paternal and maternal kindred, if there be no such kindred on the one part, the whole shall go to the other part; and if there be no kindred, either on the one part or the other, the whole shall go to the husband or wife of the intestate; and if the wife or husband be dead, it shall go to his or her kindred in the like course as if such husband or wife had survived the intestate and then died, entitled to the estate.

SEC. 5. The descendants of any person deceased shall inherit the estate which such person would have inherited had such person survived the intestate.

SEC. 6. When the title to any real estate of inheritance as to which the person having such title shall die intestate, came by descent, gift or devise, from the parent or other kindred of the intestate, and such intestate die without children, such estate shall go to the kin next to the intestate, of the blood of the person from whom such estate came or descended, if any there be.

SEC. 7. Bastards shall be capable of inheriting or transmitting inheritance, on the part of their mother, in like manner as if they had been lawfully begotten of such mother.

SEC. 8. Nothing in the preceding sections of this chapter shall be construed to bar any widow of her dower in the estate of her deceased husband, or any husband of his curtesy in the estate of his deceased wife.

Distribution.

SEC. 9. The surplus of any chattels or personal estate of a deceased person, not bequeathed, after the payment of his just debts, funeral charges, and expenses of settling his estate, shall be distributed by order of the court of probate who shall have granted administration, in manner following: —

First. One half part thereof to the widow of the deceased forever, if the intestate died without issue;

Second. One third part thereof to the widow of the deceased forever, if the intestate died leaving issue;

Third. The residue shall be distributed amongst the heirs of the intestate, in the same manner real estates descend and pass by this chapter, but without having any respect to the blood of the person from whom such personal estate came or descended.

SEC. 10. No person entitled to a share in any deceased person's estate shall have a right to demand the same within three years after administration or letters testamentary granted on such estate, unless he shall give bond to the administrator or executor, with sufficient surety, to be approved by the court of probate, to refund the proportionate share of the estate, in case any debt or debts should afterwards appear against the same, and the executor or administrator should not have a sufficiency of the estate in his hands, undivided, for the payment thereof: *Provided*, that the heirs at law or devisees may, during said term, take the rents and profits of the real estate as heretofore.

Division and Advancement.

SEC. 11. After payment of the debts, funeral charges, and expenses of settling the estate of any person dying intestate, the court of probate which granted administration on such estate may divide the real estate of which such intestate died seized, among his heirs at law, in the proportions by law prescribed, whenever application in writing shall be made to them for such purpose, by all of the said heirs at law, setting forth and particularly describing each parcel of said real estate.

SEC. 12. Upon the filing of such application, a time shall be appointed for proceeding therein, unless such time be specified in such application; and notice thereof shall be given according to law, or in such manner as the court of probate shall appoint, to such heirs at law.

SEC. 13. At the time appointed, said court shall by decree determine who are the heirs at law of the intestate, entitled to a share of such estate, the amount of advancement or settlement made by such intestate to any of such heirs, and the share to which each of said heirs is entitled out of such real estate; and shall thereupon appoint three or five discreet and disinterested persons, residing in any or either of the towns wherein the lands to be divided lie, as commissioners, to make partition thereof, according to such decree.

SEC. 14. Such court shall issue their warrant to the commissioners, which shall be in substance as follows:—

The state of Rhode Island and Providence Plantations.

SC. *To* *of* *in the county of* *greeting:*

Whereas the court of probate of the town of at their meeting on the day of did pass the following decree to wit: (here insert a copy of the decree:) You are therefore hereby authorized, after being first engaged to the faithful dis-

charge of the trust reposed in you, to appraise all the real estate described and referred to in said decree, each piece and parcel by itself, at the present value thereof in money; and after having made such appraisement, you are faithfully and impartially to divide the same among the heirs at law of said named in said decree, in the proportions set forth therein; you are to let all persons named in said decree have notice when you proceed to make such appraisement and division, and having completed the same, you are to make return of this warrant, with your doings thereon, unto the court of probate of the said town of as soon as may be. Signed for and in behalf of the court of probate of the town of on this day of Clerk.

SEC. 15. Said commissioners shall proceed as soon as conveniently may be after receiving their warrant, to execute the duties required of them by virtue thereof, and divide said real estate in the manner and proportions prescribed in the decree recited in said warrant.

SEC. 16. If the share of any one of said heirs shall be less than the share of each of the other heirs, and the shares of those other heirs be equal, in such case, said commissioners shall set off said smaller share to such heir, and assign the other shares by lot: and the assignment shall also be by lot if all the shares be equal: *Provided*, that if none of the heirs be a married woman or under age, the assignment may be made by agreement among themselves.

SEC. 17. Said commissioners shall make report of all their proceedings under said warrant to the court of probate that appointed them; which report shall be recorded among the proceedings of said court, and, if finally established, shall also be recorded in the records of land evidence in the several towns wherein any of said lands lie.

SEC. 18. If any child or grandchild of the intestate shall have received from such intestate any real or personal estate for his advancement or settlement, the court of probate shall ascertain the amount thereof before appointing commissioners to divide such real estate; and shall, in their said decree of division, direct said commissioners to deduct the amount thereof from the share of such child or grandchild.

SEC. 19. In case any infant shall be interested in the partition of any estate as aforesaid, the application for the same shall be made and signed by his guardian, duly appointed, whose acts in the premises shall be conclusive on such infant.

SEC. 20. If real estate shall be conveyed by deed of gift, or personal estate shall be delivered to a child or grandchild, and charged, or a memorandum made thereof in writing by the intestate, or by his order, or shall be delivered expressly for that purpose in the presence of two witnesses, who were desired to take notice thereof, the same shall be deemed an advancement to such child, to the value of such real or personal estate.

SEC. 21. Whenever any person shall die leaving a last will and testament duly executed, and shall at the time of his decease be

seized of any real estate not disposed of by such will, if acquired subsequently to the execution thereof, the said estate may be divided among the heirs at law of the deceased, in the same manner as though he had left no will; but in making such division, every bequest and devise in the said will contained to any of such heirs, shall be deemed and taken as an advancement to such heirs.

SEC. 22. Real estate, holden in common by devise, shall be divided according to the respective rights claimed thereby, in the manner and form hereinbefore prescribed for the division of intestate estates; and the like proceedings shall be had for effecting and confirming the same.

SEC. 23. Such part of the real estate of any testator or intestate as shall be assigned to his widow for her dower, shall, after her decease, be divided amongst the devisees or heirs at law of the deceased, in the same manner as the same would have been divided in case it had not been assigned for dower as aforesaid.

SEC. 24. When partition or division shall be made by any court of probate, and there shall be an appeal to the supreme court, and any one or more of the interested parties shall neglect or refuse to pay their just proportion of the expense of such division, it shall be lawful for the court who ordered such division to issue a warrant of distress against such delinquent: *Provided*, an account of such expense be first laid before such court, and the just proportions of the persons interested, settled and allowed; they having been duly notified to be present at such settlement and allowance.

CHAPTER 160.

OF ESTATES OF PERSONS DYING WITHOUT KNOWN HEIRS, AND OF UNCLAIMED SHARES OF, AND DEBTS AGAINST ESTATES OF DECEASED PERSONS AND WARDS.

SECTION
1. Who to take possession of estates of persons dying without known heirs, and to account with claimant of same.
2. Debts against such estate, how to be paid.
3. Power of town council to examine suspected possessor of such estate.
4. Suit against such possessor in case of refusal to deliver.
5. Unclaimed legacies, distributive shares, &c., to whom to be paid.
6. Who liable for, after payment over by executor, &c.
7. Power of town treasurer to sell unclaimed specific legacy, and duty to keep account of.
8. To keep record of his proceedings.

SECTION 1. When any person shall die leaving any real or personal estate within this state, and shall leave no known heir or legal representative within the United States to claim the same, it shall be lawful for the town council of the town in which such real or personal estate may be, to direct the town treasurer of such

town to take the same into his possession for the use of such town, until the heir or other legal representative of such deceased person shall call for the same; to whom the same shall be delivered on being claimed, and evidence of the right or title of the claimant shown; and the said town shall, in such case, account with the claimant for such real or personal estate.

SEC. 2. When any real or personal estate shall be taken into possession by any town treasurer, pursuant to this chapter, the same shall be subject and liable to the payment of the debts of the deceased to whom it belonged; and such town shall be holden to pay the same, to the amount of the value of the estate received.

SEC. 3. The town council of the town shall have authority to cause to appear before them any person whom they may suspect of being possessed of the personal estate of any person dying without heirs as aforesaid, and him to examine on oath concerning the same.

SEC. 4. If any person shall appear to be possessed of any real or personal estate of one dying without heirs or other legal representatives as aforesaid, and shall, on request, refuse to deliver or surrender possession thereof to the town treasurer, directed as aforesaid, such town treasurer may, in his capacity, commence and prosecute an action for the recovery thereof.

SEC. 5. Whenever any person who shall be entitled, as legatee, distributee or creditor, to the personal estate or any part thereof in the hands of an executor, administrator or guardian appointed in this state, shall, for the space of five years after the decree of the court of probate approving the will or ordering distribution or establishing the amount of the claim, neglect to apply for the same, such executor, administrator or guardian shall pay over the same to the town treasurer of the town wherein administration or guardianship was granted on said estate, taking said treasurer's receipt therefor; which shall be a sufficient voucher in the settlement of his account with the court of probate.

SEC. 6. Whenever the town treasurer of any town shall receive any money by virtue of the section next preceding, he shall retain the same in his hands for the use of the town for which he is treasurer, until called for by the party entitled thereto, or his representative; and the town shall be liable to pay the amount so received to the party entitled to the same.

SEC. 7. If the town treasurer shall receive any legacy which shall consist in whole or in part of any property other than cash, he may sell the same at public auction, and retain the proceeds of such sale in his hands under the limitations and for the uses aforesaid.

SEC. 8. The town treasurer shall keep an exact record of his proceedings under the provisions of this chapter.

CHAPTER 161.

OF DEBTS AND CHARGES AGAINST THE ESTATES OF DECEASED PERSONS, AND OF LEGACIES, AND OF ACTIONS FOR THE RECOVERY OF THE SAME.

SECTION
1. Estates of deceased persons to be charged with their debts, etc.
2. Personal, first chargeable with.
3. What included in expenses of administering.
4. Sepulchral monuments, when allowable in funeral charges.
5. Who to prosecute and defend suits pending, in case of death of parties.
6. Of judgment in such suits.
7. Claims against decedent, when due and payable.
8. Executor and administrator, when suable.
9. Of process against.
10. Of *scire facias* against, suggesting waste, and of judgment and proceedings upon.
11. Of *scire facias* by administrator *de bonis non*.
12. Who to prosecute and defend pending suits, in case of executor's, &c., death, resignation or removal.
13. Debts of decedent, within what time to be paid, to save administration bond.
14. Heir or devisee, when may aliene, &c.
15. When liable for debts of deceased, and of action against.
16. Of parties to such action.
17. Writ in, how served.
18. Execution in, how levied, &c.
19. Of sale upon such execution.
20. Liability of heir or devisee aliening, how enforced.
21. Creditors in such actions, in what order to be satisfied.
22. Limitation of such actions.
23. Effect of.
24. Legacy suable for at law.
25. Of action of account by joint executor who is residuary legatee against co-executor.

SECTION 1. The estate of every deceased person shall be chargeable with the expenses of administering the same, the funeral charges of the deceased, and with the payment of his just debts; and the same shall be paid by the executor or administrator of the estate out of the same, if, and so far as, sufficient therefor.

SEC. 2. The personal estate shall stand chargeable for such expenses, charges and debts, in the first instance, and the real estate for all the same which the personal estate shall be insufficient to satisfy.

SEC. 3. The expenses of assigning the widow's dower, of the division and assignment of the real estate, and of the appointment of guardians of minors and others incapacitated to take care of their interests, whether they be heirs or legatees, except there be an appeal from the order making or appointing the same, shall be included in the expenses of administration.

SEC. 4. Executors and administrators of estates actually solvent, may, with the permission of the court of probate, erect suitable monuments at the graves of their testators or intestates; and the reasonable expense of the same shall be allowed to them upon settlement of their accounts as part of the funeral charges.

SEC. 5. In case of the death of any party, either the appellant

or appellee, before the sitting of the court appealed to, or where any action or suit is commenced or shall be pending in any court of common pleas, or in the supreme court, and it shall so happen that either party shall die before final judgment, the executor and administrator of such deceased party, in case the cause of action survives, shall have full power to prosecute or defend any such action or suit from court to court until final judgment; and is hereby obliged to prosecute or defend the same accordingly.

SEC. 6. If any executor or administrator shall neglect to appear and take upon himself the prosecution or defence of any action or suit as aforesaid, being duly notified thereof, by order of the court where the same shall be pending, or if having appeared and become a party thereto, judgment shall pass against such executor or administrator, the said courts are hereby respectively authorized and empowered, unless the estate shall have been represented insolvent, to enter up judgment against the estate of the deceased in the hands of such executor or administrator; and the like process shall be had thereon, as if the action had been originally commenced against them in their said capacity.

SEC. 7. All claims existing against any testator or intestate, shall be considered due and payable at the time letters testamentary or of administration were granted; and the same may be filed and prosecuted with other claims against such estate, although by the terms thereof they may not be then due; and shall be entitled to payment with other claims, deducting the interest for the anticipated payment thereof.

SEC. 8. No action shall be brought against any executor or administrator in his capacity, within one year after the will shall be proved or administration granted; nor after three years from the time of such proof or grant, except for the causes mentioned in chapter one hundred and fifty-eight, section fourteen, provided notice of his appointment be given according to law; said periods to be reckoned from the time of giving such notice.

SEC. 9. No executor or administrator, except an executor in his own wrong, shall be holden to bail upon mesne process, nor shall his own proper goods or estate be attached, nor his person arrested, nor his person, or estate, real or personal, taken in execution for the debts or legacies of the testator or intestate, but upon suggestion of waste, as hereinafter provided; but in such suits, writs of attachment and executions shall run against the goods, chattels, rights and credits of the deceased only, in the hands of the executor or administrator.

SEC. 10. If the execution shall issue as aforesaid against the estate of the testator or intestate, in the hands of the executor or administrator, and the officer charged with the service thereof, shall return thereon that he cannot find any such estate whereon to levy such execution, and that the same has not been satisfied by such executor or administrator, a writ of scire facias may be sued out of the clerk's office of the same court, against such executor or administrator, containing a suggestion of waste, which writ being duly served by the officer to whom it shall be directed,

and by him returned, if the executor or administrator make default of appearance, or coming in shall not show sufficient cause to the contrary, execution shall be awarded against him of his own proper estate for the sum recovered, with interest due thereon with costs; and for want of estate, against the body of such executor or administrator, as for his own proper debt.

SEC. 11. When any judgment shall have been recovered by or in the name of any executor or administrator, an administrator *de bonis non* may sue out a writ of scire facias and take out execution upon such judgment.

SEC. 12. Whenever any executor or administrator by or against whom any action is prosecuted, shall die, resign, or be removed, the action shall not thereby be abated; but the successor, if any, may come into court to prosecute or defend, or may be summoned in, in such manner as the court may direct.

SEC. 13. If any executor or administrator shall not within three years from the probate of the will or administration granted, raise money out of the testate or intestate estate, by collecting debts due, or by selling the personal estate, or real estate, if need be, or he has power or can obtain license as aforesaid to sell the same, or shall neglect to pay over what he has in his hands to the several creditors of the testator or intestate, or shall by his neglect as aforesaid subject the real estate of the heir or devisee to be taken in execution, it shall be deemed unfaithful administration in such executor or administrator, and an action may be brought upon such executor's or administrator's bond, by any such creditor, heir or devisee who may have been damnified thereby.

SEC. 14. No heir or devisee of any deceased person shall have power, within three years and six months after the probate of the will, or grant of administration on the estate of such person, to encumber or aliene the real estate of the deceased so as to prevent or affect the sale thereof by the executor or administrator, if necessary, as prescribed by law: *Provided*, that after the expiration of three years and six months, the heir or devisee may aliene or encumber the same, and the same shall not be liable for the debts of the deceased in the hands of the purchaser thereof, or of any other person.

SEC. 15. The liability of the real estate of deceased persons for the payment of their just debts may be enforced by actions of the case, to be brought against the heirs at law or devisees of such estate: *Provided*, the personal estate of the testator or intestate be insufficient for the payment of his debts, funeral charges, and expenses of supporting his family and settling his estate.

SEC. 16. Such action shall be brought against all the heirs and devisees who took such estate by devise or descent from the testator or intestate, if to be found in person or estate.

SEC. 17. The writ in such action shall be served by attaching such real estate in the first instance, by process of summons and attachment, if such estate has not been aliened by such heir or devisee; and in case of alienation, shall be in form and served as writs in other cases.

SEC. 18. The execution in such action shall be served upon, and the debt and costs levied and collected out of the estate received from the testator or intestate by the several heirs or devisees, in the same proportion that they hold the same, if such real estate remain unaliened, and it can be conveniently so done; and in case it be levied in any other proportion, the parties aggrieved thereby shall be entitled to a joint or several action against any person or persons in arrears, to recover such arrearages, with costs.

SEC. 19. Upon such execution the sheriff shall sell such real estate, or so much thereof as shall be sufficient to satisfy such execution, at public auction, to the highest bidder, having first advertised the same as is prescribed by law in cases where the real estate is taken by execution; and on such sale he shall give a deed of such real estate to the purchaser thereof.

SEC. 20. If the heir or devisee of any such real estate shall aliene any such estate before the same shall be attached for the debt of the testator or intestate, such heir or devisee shall be liable to pay the value of the estate so aliened, to the creditor of the testator or intestate, to be ascertained by a court or jury, who shall assess the damages in the suit that may be brought against such heir or devisee as aforesaid; and the execution in such case shall be served upon the heir or devisee who shall have aliened as aforesaid, or shall be levied on his estate, in manner prescribed by law, for his own proper debt.

SEC. 21. The creditors who shall commence their actions against the heirs or devisees as aforesaid, shall be entitled to satisfaction of the debts due to them respectively from the testator or intestate, in the same order in which their writs shall be served by summoning the heir or devisee who shall have aliened.

SEC. 22. No action shall be brought against an heir or devisee, for a debt of the testator or intestate, by virtue of the provisions of the seven sections next preceding within three years next after probate of the will or grant of administration.

SEC. 23. Nothing herein contained in relation to such action shall interfere with, prevent or obstruct the settlement of any estate, whether solvent or insolvent, by executors and administrators in manner by law provided.

SEC. 24. Any person having a legacy given to him in any last will and testament, may sue for and recover the same at law.

SEC. 25. Any executor being a residuary legatee, may bring an action of account, or in the nature of an action of account, against his co-executor or co-executors of the estate of the testator, in his or their hands, and may sue for and recover his proportionate part thereof; and any other residuary legatee shall have the like remedy against the executors.

CHAPTER 162.

OF THE SETTLEMENT OF ACCOUNTS OF EXECUTORS AND ADMINISTRATORS.

SECTION
1. Executors and administrators, how often, and how to account.
2. Of citation to, in case of neglect to account.
3. Of liability of and penalty upon, in case of neglect, after being cited.
4. Assets, not inventoried, to be accounted for.
5. Assets, unless sold by order of court, at what rate to be accounted for.
6. Allowance to executor, &c., for support of family of deceased, to be made in settling accounts.
7. Allowance for funeral charges and of administration.
8. Allowance for personal services.
9. Obligation to pay interest, when reasonable.
10. Settlement of accounts of, final.

SECTION 1. It shall be the duty of every executor and administrator, to make out and return to the court of probate, yearly, and in every year, his account relative to the estate in his hands, with a statement of the liquidated balance that may be due to or from him, at the time of such settlement.

SEC. 2. It shall be the duty of the court of probate to issue a citation to each executor and administrator, having accounts unsettled with such court, after the term limited for the exhibit of the first account, who shall neglect as aforesaid, to be and appear before such court at the first meeting thereof next after the first Monday of January, then following, to show cause why he has neglected to exhibit an account as aforesaid.

SEC. 3. If any executor or administrator, after being cited as aforesaid, shall neglect or refuse to present his account for settlement as aforesaid, for the space of thirty days, without assigning to such court satisfactory reason therefor, such executor or administrator shall be held accountable for the full value of the personal property of the deceased, with interest, and shall be entitled to no compensation for his services; and shall incur a penalty of not less than twenty dollars, nor more than one hundred dollars, to be recovered by any one who may sue for the same, by action of the case, one moiety to the use of the persons interested in said estate, and the other moiety to the use of the town in which such court may be.

SEC. 4. All assets, though not inventoried, shall be accounted for, and the executor or administrator, shall be charged therewith in the account of administration.

SEC. 5. The whole of the personal estate of the deceased, except money due, shall be accounted for by the executor or administrator at double the appraised value thereof, unless the whole shall be sold at public auction, or unless the court of probate shall direct a part thereof to be sold at public or private sale, in which case,

the net proceeds only of the whole or part so sold, shall be accounted for.

SEC. 6. In the settlement of the accounts of executors and administrators, the court of probate shall make reasonable allowance for the support of the family of the deceased, after his decease, until the same can otherwise be provided for, having due regard to the situation of the family, and the value and circumstances of the estate; said allowance to be made for a term not exceeding six months.

SEC. 7. Executors and administrators shall be allowed, in their accounts, all reasonable charges and disbursements which they shall lay out and expend in the funeral of the deceased, and other their administration.

SEC. 8. They shall also be allowed such recompense for their personal trouble as the court of probate, on settling their accounts, may consider just.

SEC. 9. They may be compelled to pay interest for the detention of money in their hands, if in the opinion of said court it shall be reasonable.

SEC. 10. The settlement of the accounts of any executor or administrator, by the court of probate, or in case of appeal, by the supreme court, shall be final and conclusive on all parties concerned therein, and shall not be subject to reëxamination in any way or manner whatsoever.

CHAPTER 163.

OF THE BONDS OF EXECUTORS AND ADMINISTRATORS, AND OF SUITS THEREON.

SECTION

1. Bonds of, to whom and in what name given.
2. In whose name to be sued.
3. Who entitled to copy of, and to sue on.
4. Writ, how to be indorsed, and who to secure costs.
5. Requisites of suit on by creditor, if estate solvent.
6. Requisites, if estate insolvent.
7. Requisites of suit on, by heir.
8. Judgment in suit on.
9. Chancerization of.
10. Who the creditor, in suit on, and of judgment, if several suitors join.

SECTION

11. Power of court to require security for costs in pending suits on.
12. Who may bring *scire facias* on judgment on.
13 and 14. Suits on, not barred by former action or judgment of other party.
15. Of suits on, for the benefit of all concerned.
16 and 17. In what cases such suits brought.
18. Of judgment and chancerization in such suits.
19. Amount recovered in such suits, how and by whom to be applied.

SECTION 1. In all cases where bonds are required by law to be given to any court of probate, they shall be given to the probate

court by name, and not to the individuals who may, at the time, constitute such court.

SEC. 2. Such bonds shall be sued in the name of the court, and not in the name of the individuals composing it; and no person shall be disqualified as a witness in any suit on such bond by reason of his being the judge or a member of the court to which it was given.

SEC. 3. Any person or persons interested in a bond given by an executor or administrator to a court of probate shall be entitled to a copy thereof, and to sue thereon in the name and style of the court to which the bond is given.

SEC. 4. The writ, in addition to the usual indorsement of the name of the plaintiff or his attorney, shall also have the name or names of the person or persons for whose benefit the suit is brought, written thereon; who shall give security for costs as in other cases, and against whom if the defendant recover, execution for his costs shall issue.

SEC. 5. If the suit be brought by a creditor of the deceased, he shall, in order to maintain his action, first have his debt or damages ascertained by judgment, unless the estate be insolvent, and also prove that demand had been made of the executor or administrator therefor, and that the executor or administrator had refused or neglected to satisfy the same or to show goods or estate of the deceased for that purpose.

SEC. 6. If the estate of the deceased be insolvent, the creditor shall produce a copy of the order of distribution of the estate of the deceased amongst the creditors, specifying each creditor's claim, and the dividends they are severally entitled to, and prove that a demand has been made of the executor or administrator for his particular dividend.

SEC. 7. If the suit be brought by an heir for his part of the personal estate, he shall exhibit a copy of the decree of the probate court, ascertaining its amount, and that he has made a demand thereof upon the administrator.

SEC. 8. When it shall appear by verdict, default, submission or otherwise, that the penalty of such bond is forfeited, judgment shall be entered in common form for the whole penalty; and such judgment shall, as in other cases, be a security for all interested.

SEC. 9. Upon a hearing in chancery upon such forfeiture, the court shall examine the claims of the several parties whose names are indorsed upon the writ, and judgment shall be rendered for such parties respectively for the amount so ascertained to be due to each; "that the court of probate of now have execution for , being part of the penalty forfeited and costs taxed at for the use of of in the county of , a creditor or heir of deceased, (as the case may be)."

SEC. 10. The person to whose use judgment shall be rendered in the name of the court of probate as aforesaid, may sue out execution thereon and have the same levied according to law, and shall be deemed and taken to be the creditor, to every intent and

purpose whatsoever; and when there are several persons to whose use the moneys recovered on an administration bond are to enure, there shall be as many separate and distinct judgments, in form aforesaid.

SEC. 11. During the pendency of such suit, the court, on motion, may order the name of any person interested to be indorsed on the original writ in manner aforesaid, he giving security for costs on the back of said writ for costs if required; and such person shall thereupon be entitled to the same rights as if his name had been so indorsed before the service of the writ, subject however and subsequent to the other indorsers, in case of attachment of or levy upon property.

SEC. 12. After judgment for the penalty of such bond, any person interested, upon giving security for costs as in other cases, may sue out a scire facias on such judgment, and upon proof of his claim as aforesaid, may have judgment as aforesaid that an execution issue to his use.

SEC. 13. No suit or judgment on such bond shall abate or bar any suit thereon, against any obligor against whom no suit has been commenced or judgment rendered.

SEC. 14. A judgment in favor of the obligors shall in no case bar any suit thereon for the benefit of a different claimant, or of the same claimant for a different claim.

SEC. 15. Besides suits brought for the benefit of particular claimants as aforesaid, a suit for the benefit of all concerned in the estate may be brought on such bond, at the instance of any party interested; who shall give security for costs to the defendant on the writ, and satisfactory bond to the court of probate, securing said court against expenses and costs, in which case indorsement that the suit is brought for the benefit of all interested in the estate, shall be made upon the writ.

SEC. 16. Such suit may be brought when it shall appear that the administrator, or the executor not being residuary legatee or not having given bond to pay debts and legacies, has received personal estate of the testator or intestate, and has not, though cited by the court so to do, exhibited upon oath a particular inventory thereof.

SEC. 17. Such suit may be brought if the executor or administrator, though cited by the court so to do, shall refuse or neglect to account, upon oath, for the property of the testator or intestate by him received, or then in his hands.

SEC. 18. In the cases mentioned in the two sections next preceding, judgment shall be rendered against the executor or administrator so in default, for the full penalty of such bond; and upon hearing in chancery upon such forfeiture, the court shall award execution against such executor or administrator in favor of the court of probate, for the full value of the personal estate of the deceased proved to have come to his hands, or, in case he has once accounted, remaining or being in his hands at and since the last accounting, without any discount, abatement or allowance for charges and expenses of administration or for debts by him paid.

SEC. 19. In case of such recovery, the amount so recovered shall be deemed to be the property of the testator or intestate; and after paying therefrom all expenses of recovery, shall be administered through the intervention of a new administrator, to be appointed for that purpose.

TITLE XXV.

Of the Judiciary and its Officers.

CHAPTER 164. Of the supreme court.
CHAPTER 165. Of the court of common pleas.
CHAPTER 166. Of the adjournment of the supreme court and court of common pleas.
CHAPTER 167. Of special courts of common pleas and of proceedings therein.
CHAPTER 168. Of the jurisdiction of and proceedings before justices of the peace in civil cases.
CHAPTER 169. Of courts of magistrates or justices.
CHAPTER 170. Of clerks of the supreme court and court of common pleas.
CHAPTER 171. Of the reporter and reports of the decisions of the supreme court.
CHAPTER 172. Of jurors and juries.
CHAPTER 173. Of sheriffs, deputy sheriffs and jailors.
CHAPTER 174. Of the keeper of the jail in the county of Providence.
CHAPTER 175. Of town sergeants and constables.

CHAPTER 164.

OF THE SUPREME COURT.

SECTION
1. Justices of, how many, how appointed, commissioned, and to hold office.
2. Of oath of justice of.
3. Jurisdiction of court in pleas and civil actions at law and in criminal matters.
4. General superintending power of.
5. Power of, to issue prerogative writs, &c.
6. Power of, to prescribe forms of writs.
7. Power of, over divorce, separate maintenance, alimony and custody of children, and petitions of insolvents.

SECTION
8. Equity powers of.
9. Power of, to order service of process out of the state.
10. Power of, to administer oaths, punish contempts, and make rules and orders.
11. Power of, to award judgments, &c., execution and process.
12, 13, 14, 15, 16 and 17. Power of court, or justice of, over assignees under voluntary assignments for benefit of creditors, and of proceedings therein.
18. Power of, or of justice of, to enjoin railroad or turnpike corporations.
19. Power of, over receivers appointed by general assembly.
20. Original concurrent jurisdiction of, in civil suits at law, and of costs in.
21. Appellate power of, in probate cases.
22. Appellate and original concurrent jurisdiction of, in criminal cases.
23. Exclusive criminal jurisdiction of.
24. Power of, to punish convicts.
25. Duty of, to charge the grand jury.
SECTION
26. Duty of, to instruct petit jury.
27. Power of, to arraign, require to plead, and issue writs of capias against accused.
28. How many justices of, required for certain purposes; one a quorum of for all others.
29 and 30. Court, held in different places at same time.
31. Prisoner for any crime pleading guilty sentenced by single judge of.
32. Pleading not guilty, trial of to wait.
33. Justices of, conservators of peace throughout state.
34. Interlocutory orders in equity, how and when made, and with what effect.
35. Orders and writs of injunction, how made and issued.
36. Times and places of holding court.
37. Duty of justice of, to examine minutes and records of court and report upon same.

SECTION 1. The supreme court shall consist of a chief justice, and three associate justices, to be appointed, commissioned and to hold their offices as prescribed in the constitution.

SEC. 2. Each of said justices shall, before he proceeds to execute any of the duties of his office, take the following oath or affirmation: I do solemnly swear, (or affirm,) that I will support the constitution of the United States, and the constitution and laws of this state; that I will administer justice without respect to persons, and do equal right to the poor and to the rich; and that I will faithfully and impartially discharge and perform all the duties incumbent on me as chief justice (or as one of the associate justices, as the case may be) of the supreme court, according to the best of my abilities, agreeably to law: so help me God: (or, this affirmation I make and give upon peril of the penalty of perjury.)

SEC. 3. The supreme court shall have cognizance of all pleas, real, personal and mixed, and of all civil actions between party and party, and between the state and citizens thereof, and of all criminal proceedings which may be legally brought before them.

SEC. 4. The said court shall have the general superintendence of all courts of inferior jurisdiction, for the prevention and correction of errors and abuses, where no other remedy is expressly provided by law.

SEC. 5. The said court shall have exclusive authority to issue writs of error, certiorari, mandamus, prohibition, quo warranto, or to entertain informations in the nature of a writ of quo warranto, and may issue writs of habeas corpus, and all other writs and pro-

cesses, to courts of inferior jurisdiction, to corporations and individuals, that shall be necessary to the furtherance of justice, and to the due administration of the laws.

SEC. 6. When there shall be occasion for any writ or process for which no form is prescribed by statute, or for any change in any form prescribed, to adapt such form to a change of law, said court shall frame a new writ or process, or change the old one, in conformity with law.

SEC. 7. The said court shall have exclusive cognizance and jurisdiction of all petitions for divorce, separate maintenance, alimony and custody of children, and of all petitions for the relief of insolvents, with all incidental powers necessary to the proper discharge of its duties therein according to law.

SEC. 8. The said court shall have exclusive cognizance and jurisdiction of all suits and proceedings whatsoever in equity, with full power to make and enforce all orders and decrees therein, and to issue all process therefor according to the course of equity.

SEC. 9. The said court shall have power to order service of any process, original or auxiliary, at law or in equity, upon persons out of the state, by personal notice, publication in a newspaper within or without the state, or otherwise, for the purpose of dealing with any property, relation or person within the state, and subject to the jurisdiction thereof, according to law.

SEC. 10. The said court is empowered to administer all necessary oaths and affirmations, and to punish by fine or imprisonment all contempts of authority, in any cause or hearing before them; to make rules and orders for said court, and the court of common pleas, directing the returning of writs and processes, the filing of pleadings, the taking of rules, the entering and making up of judgments, the custody, deposit, investment and payment of moneys, in the registry of the court, and other matters, in vacation or otherwise, in manner not repugnant to law; to regulate the practice before said court as shall be fit and necessary for the advancement of justice, and especially to prevent delay in proceedings; and to establish rules for the admission of attorneys to practise in the courts of the state.

SEC. 11. The said court shall have power to make and award all such judgments, decrees and orders, and to issue all such executions and other writs and processes, and to do all such other acts, as may be necessary or proper to carry into full effect all the powers and jurisdiction, whether original or appellate, which are or may be given to them by the constitution or by law.

SEC. 12. The said court in term time, and either of the justices thereof in vacation may, upon the petition of any creditor interested in a deed of assignment made by a debtor for the benefit of creditors, upon due notice and for cause shown, by summary order require the assignee or assignees named in such deed, to render on oath to said court or justice, an inventory of the effects, estates and credits conveyed by such deed, so far as the same can be ascertained, and to give bond with sufficient surety or sureties to

the satisfaction of said court or justice, for the faithful performance of the trusts of such deed.

SEC. 13. Such bond shall be given to the clerk of said court for the time being of the county in which the petition is filed, and shall enure to the benefit of all the creditors interested in said deed of assignment, according to the provisions thereof.

SEC. 14. The said court or justice shall remove any assignee who shall neglect or refuse to render such inventory or to give such bond when thereunto required as aforesaid; and may, upon the petition of a majority in interest of the creditors interested in any such deed of assignment upon due notice, and for cause shown, remove the assignee or assignees named therein from their office and trust.

SEC. 15. In case of such removal of an assignee, said court or justice shall appoint one or more suitable persons to receive, take and recover all the effects, estate and credits conveyed in such deed of assignment; and the same to hold and dispose of, for the uses, intents and purposes set forth in said deed of assignment; which person or persons so appointed, shall, by operation of law, have and enjoy all the rights and estates, and be subject to all the duties, liabilities and responsibilities, that appertain by virtue of said deed of assignment to the assignee or assignees removed.

SEC. 16. No suit pending in favor of or against any such assignee removed, shall be abated or discontinued by reason of such removal or appointment, but the new assignee may prosecute, and shall defend against any such suit, for the benefit of the assigned estate.

SEC. 17. Upon removal of any assignee by summary proceeding as aforesaid, the court or justice making the removal and new appointment, shall make provision for the settlement of the accounts of the assignee removed, according to the course of equity; and shall have power to enforce the payment of any balance due from him to the assigned estate, by execution in favor of the new assignee, to run against the goods and chattels, or real estate of the removed assignee, and for want thereof against his body.

SEC. 18. The said court in term time, or either of the justices thereof in vacation, may, in their discretion, upon due notice, and for cause shown, enjoin any railroad or turnpike corporation from using any of its corporate franchises in violation of law, or of the conditions, limitations and provisions of its act of incorporation, upon the petition of any person interested therein; such injunction, if made in vacation, to continue in force until the end of the next term of said court in the same county, unless sooner dissolved by said court.

SEC. 19. The said court shall have the same jurisdiction in equity, over receivers of banks and other corporate bodies appointed by the general assembly, that it has over receivers and trustees appointed by said court.

SEC. 20. The said court shall have original jurisdiction, concurrent with the courts of common pleas in each county, in all civil

suits where the debt or damages laid in the writ shall amount to the sum of one hundred dollars or upwards; provided, that the plaintiff commencing his suit originally in the supreme court shall not recover costs, unless he shall recover in such action the sum of one hundred dollars or upwards, or goods to the value of one hundred dollars or upwards, or unless the action be an action of ejectment, or an action in which the title to real estate, or to some right, easement, or interest therein, is in question.

SEC. 21. The said court shall be the supreme court of probate in this state, and shall have cognizance and jurisdiction of all matters brought legally before them, by appeal or otherwise, from any court of probate which is or shall be established by law.

SEC. 22. The said court shall have cognizance and jurisdiction of all crimes, offences and misdemeanors, which shall be brought before them by appeal, commitment or recognizance of a magistrate or court, indictment or otherwise, and shall have original jurisdiction, concurrent with the court of common pleas, over all crimes, offences and misdemeanors whatsoever.

SEC. 23. The said court shall have exclusive power to try indictments for crimes which may be punished by imprisonment for life, whether said indictments are found in said court or certified to the same by any other court.

SEC. 24. The said court shall inflict upon all persons convicted before them of any crime, offence, or misdemeanor, such punishment as is or shall be by law provided.

SEC. 25. Whenever a grand jury shall be impanelled by said court in any county, they shall be empowered, required and charged, by one of the justices thereof, diligently to inquire and true presentment make of all crimes or offences cognizable by said court within the county in which it is in session, and such instruction shall be given to them relative thereto as such justice shall deem necessary and proper.

SEC. 26. The said court shall also instruct the petit jury in the law applicable to each case civil and criminal, before the same is finally committed to them; and shall sum up the evidence therein for the instruction of the jury, whenever said court shall deem it advisable so to do.

SEC. 27. The said court is empowered to arraign all persons presented by a grand jury, and to require them to plead to the indictments against them if in custody, or if taken while the court is in session; and if not in custody or taken as aforesaid, to issue writs of capias on such indictments, returnable in the same term or to the next term of the court in the same county.

SEC. 28. Any one justice of the said court shall be a quorum for all purposes and business whatsoever, except for the trial of petitions for divorce and separate maintenance, petitions for new trials, bills in equity, demurrers, motions in arrest of judgment, and of indictments for any crime which may be punished by imprisonment for life; and any two of said justices shall be a quorum of said court for all purposes and business whatsoever.

SEC. 29. The said court may be held by different justices thereof,

at the same time and in different places in the same or some other county or counties, for all purposes, civil or criminal, proper to the court as constituted.

SEC. 30. The empowering of a single justice to hold the said court for certain purposes, shall not be construed to preclude the other justices of said court, or any or either of them, from sitting and acting with said single justice.

SEC. 31. Whenever a prisoner shall be arraigned upon an indictment before said court, when holden by a single justice, and shall plead guilty, or refuse to contend with the state, such prisoner may be sentenced by the court so holden, though guilty of an offence punishable by law with imprisonment for life, with the same effect as if said court so holden had power to try said indictment.

SEC. 32. If the prisoner in such case shall plead otherwise than as above, the indictment against him shall be passed or continued, until the coming of a quorum of the said court, competent to try and determine the same.

SEC. 33. The justices of said court shall, by virtue of their office, be severally conservators of the peace throughout the state; and shall severally have the same powers in criminal cases throughout the state, that justices of the peace have in their respective counties.

SEC. 34. At any day appointed, or to be appointed, by said court, for the taking of rules in any county in matters of equity, any justice of said court may proceed to pass rules, and to make any orders and decrees, except final decrees; or said court may, by their rules, authorize the clerk of the court for said county to enter up interlocutory rules and orders, when of course; such last-named rules and orders being subject to be set aside or varied, upon application and notice by a single justice of said court in vacation, or by the said court holden by one or more justices in term time.

SEC. 35. Any justice of said court may, at any time, according to the course of courts of equity and after such rules as to notice as the court may prescribe, make orders and issue writs of injunction.

SEC. 36. The terms of the said court shall be holden yearly and every year, at the times and places following, to wit: at Newport, within and for the county of Newport, on the third Monday in February and on the fourth Monday in August; at Bristol, within and for the county of Bristol, on the first Monday in March and on the second Monday in September; at Providence, within and for the county of Providence, on the fourth Monday in March and on the fourth Monday in September; at East Greenwich, within and for the county of Kent, on the second Monday in March and on the third Monday in September; at South Kingstown, within and for the county of Washington, on the second Monday in August and on the first Monday in February.

SEC. 37. It shall be the duty of some one of the justices of said court, to examine the state of the clerks' offices thereof, to ascertain

that the files and papers are in proper order, that the minutes of the proceedings of the court have been properly taken and kept, and its judgments, orders and decrees have been regularly and seasonably recorded; and the justice making the examination shall apprise the general assembly at its May session, by certificate handed to the clerk or otherwise, of the state of the files, papers, minutes and records in each office, and whether the judgments, orders and decrees of said court have been recorded as aforesaid.

CHAPTER 165.

OF THE COURT OF COMMON PLEAS.

SECTION

1. Court of common pleas, by whom held.
2. Original jurisdiction of, in civil actions at law.
3. Original jurisdiction, concurrent with supreme court in criminal matters.
4. Duty of, to charge grand jury.
5. Power of, to arraign persons presented if in custody, and to issue writs of capias against those not.
6. Power of, to admit to bail.
7. Power of, to sentence prisoner pleading guilty.
8. Power of, to try criminals.
9. Duty of, to certify to supreme court indictments beyond power of, to try.
10. Appellate jurisdiction of, civil and criminal.
11. Power of, to take recognizances in criminal cases pending before.
12. Power of, to administer oaths, punish for contempts, and issue writs, &c.
13. Duty of, to instruct petit jury.
14. Power of, to be exercised by any judge of supreme court.
15. Justice holding, to examine minutes and records of, and report to general assembly condition of.
16. Times and places of holding.
17. To be holden at same time in different places.
18. Of attendance of grand and petit juries in such case.

SECTION 1. There shall be a court of common pleas, to be holden in each county, at such times and places as are or shall be by law appointed, by some one of the justices of the supreme court, to be from time to time designated by said justices, or a major part of them.

SEC. 2. The said court shall have original jurisdiction of all civil actions at law, between party and party which shall be commenced by attachment of real estate, or which relate to real estate, or to some right, easement, or interest therein, the title to which is in dispute, or which shall be of fifty dollars value or upwards, of what kind or nature soever, except where the proceedings must be commenced by writs exclusively issuable by the supreme court; with full power to give judgment in said actions, when legally brought before said court, and to award execution thereon.

SEC. 3. The said court shall have original jurisdiction concurrent with the supreme court, and without appeal, of all crimes,

offences and misdemeanors whatsoever, except as is hereinafter provided; and shall inflict upon all persons convicted before said court such punishments as are or may be by law prescribed.

SEC. 4. Whenever a grand jury shall be impanelled by said court in any county, they shall be impanelled, required, and charged diligently to inquire and true presentment make of all crimes and offences done or committed within the county; and shall, in so far as may be deemed necessary, be instructed by said court in the law relative thereto.

SEC. 5. The said court is empowered to arraign all persons presented by a grand jury, and to require such persons to plead to the indictments against them, if in custody, or if taken while said court is in session; and if not in custody, or taken as aforesaid, to issue writs of capias on such indictments returnable to the same or to the next term of said court, or of that court in said county which has jurisdiction to try the indictment.

SEC. 6. The said court is empowered to admit to bail, all persons indicted before it for any offence whatsoever.

SEC. 7. Whenever, upon arraignment before said court, the prisoner shall plead guilty, or shall refuse to contend with the state, he may be sentenced by said court, whatsoever his offence may be, with the same effect as if said offence were triable before said court.

SEC. 8. If upon arraignment, the prisoner shall plead otherwise than as above, said court shall proceed to try him upon the indictment, if the offence charged therein be not one which may be punished by imprisonment for life, and to sentence or discharge him according to the result of the trial.

SEC. 9. If in such case, the crime charged in the indictment be one which may be punished by imprisonment for life, said indictment and all papers belonging thereto, shall be certified to the supreme court in the same county, for trial before said court.

SEC. 10. The said court shall have jurisdiction of all appeals, civil and criminal, from justices of the peace, or magistrates, or courts exercising the jurisdiction of a justice of the peace, and of all appeals from all other courts or tribunals, which are, or may be, by law given to said court.

SEC. 11. In criminal cases pending in said court on appeal from justices of the peace or courts exercising the jurisdiction of a justice of the peace, in which the complainants are required by law to give recognizance to prosecute their complaint, the said court may require any complainant to enter into a recognizance in a sum not exceeding one hundred and fifty dollars, with sufficient surety satisfactory to said court, to prosecute his complaint with effect; and in default thereof, to pay all costs that may accrue thereon; and for cause shown, to require a like recognizance to be given, in addition to the recognizance required by the justice or court which had original jurisdiction of such complaint; and also in addition to any recognizance which may have been ordered by said court of common pleas; and upon refusal or neglect of the complainant to

enter into such recognizance with surety as aforesaid, said court may dismiss the complaint.

SEC. 12. The said court is empowered to administer all necessary oaths and affirmations, to punish by fine and imprisonment all contempts of authority in any cause in hearing before it, and to issue all such writs and processes whatsoever, and to do all such other acts as may be necessary and proper to carry into full effect all the powers which are or may be given to said court.

SEC. 13. In every case, civil and criminal, tried in said court with a jury, said court shall instruct the jury in the law relating to the same, and may sum up the evidence therein to the jury, whenever the court may deem it advisable so to do.

SEC. 14. All powers conferred upon the court of common pleas, or upon the judge thereof, may be exercised by any justice of the supreme court conformably to law.

SEC. 15. The justice of the supreme court designated to hold the court of common pleas, or one of the justices of the supreme court, shall examine the state of the clerk's office of the court of common pleas in each county, to ascertain that the files and papers are in proper order, that minutes of the proceedings of the court have been properly taken and kept, and that the judgments, orders and decrees of said court have been regularly and seasonably recorded; and the justice making such examination shall, by certificate to be handed to the clerk of said court, or otherwise, annually report to the general assembly at its May session, the state of the files, papers, minutes and records in the office of each of the clerks of said court, and whether the judgments, orders and decrees of said court have been recorded as aforesaid.

SEC. 16. The terms of said court shall be holden yearly and every year, at the times and places following, to wit: at Newport, within and for the county of Newport, on the second Monday in April, and on the second Monday in October; at Bristol, within and for the county of Bristol, on the first Monday in May, and on the last Monday in October; at Providence, within and for the county of Providence, on the first Monday in March, on the first Monday in June, on the first Monday in September, and on the first Monday in December; at East Greenwich, within and for the county of Kent, on the second Monday in February, and on the third Monday in August; at South Kingstown, within and for the county of Washington, on the second Monday in May, and on the first Monday in November.

SEC. 17. The court of common pleas, with the full power and jurisdiction thereof, may be holden by different justices of the supreme court at the same time in different places in the same or different counties, whenever the business of the court shall require; the justices to hold such courts, to be designated by the justices of the supreme court, or the major part of them.

SEC. 18. During the sessions of said court in two places in the same county, the drawn petit jurors summoned to attend, shall be divided, as near equally as may be, between the two courts; and each court may take up from time to time on venire, as many more

jurors as the business shall require; but the grand jury shall attend the court holden by the justice designated to hold the court of common pleas throughout the state.

CHAPTER 166.

OF THE ADJOURNMENT OF THE SUPREME COURT AND COURT OF COMMON PLEAS.

SECTION
1. What justice or justices may adjourn courts.
2. In what cases, clerk and sheriff.
3. Of adjournment by writ.
4. Duty of sheriff, upon receipt of writ, to publish and notify.
5. Duty of, to return writ of adjournment.
6. Effect of adjournment upon pleas, actions, &c., pending.
7. Effect of not holding court at time appointed, upon pleas, actions, &c., pending.

SECTION 1. The supreme court, or any one of the justices thereof holding, or attending to hold the same, may adjourn the same, and any one of said justices holding or attending to hold the court of common pleas may adjourn the same, from time to time, at his or their discretion.

SEC. 2. In case a justice of the supreme court shall not attend, or remain in attendance, to adjourn the courts, the clerk of the court, or, in case of his death, absence or inability, the sheriff of the county may adjourn such court from day to day, for not more than six days.

SEC. 3. If, from any cause, a justice of the supreme court cannot attend within six days from the time appointed by law for the holding of such courts, or from the time to which such courts may have been adjourned, any one of the justices of said court, by writ under his hand and seal, directed to the sheriff of the county, may adjourn such court to a further day, as in said writ shall be expressed.

SEC. 4. The sheriff, upon the receipt of such writ, shall cause publication to be made of the same at the court house in the county, and at some other of the most public places within the same county; and also cause a notification of such adjournment, and the time to which it is made, to be posted up at or near the said court house, and other public places, as aforesaid, to the intent that unnecessary travel, charge and attendance of all persons concerned, may be prevented.

SEC. 5. The sheriff shall return such writ with his doings thereon into the clerk's office of such court.

SEC. 6. All pleas, writs, actions, suits, processes, precepts, recognizances and other things whatsoever, returnable or having day in

said courts, shall stand, abide and continue unto the said adjournments made in any of the modes aforesaid, and be holden, deemed and adjudged to be as good, effectual and available in law to all intents, constructions and purposes, as if such courts had been holden and kept on the day appointed for holding the same, and no adjournment of the same had been made.

SEC. 7. If from any cause, said courts in any county, shall not be holden at the times appointed by law, or to which the same may have been adjourned, all business of every kind and nature pending in such courts, shall be heard, proceeded upon, and determined at the next term of such courts in the same manner as it might have been heard, proceeded upon and determined at the term or session by adjournment, which was to have been, but was not holden.

CHAPTER 167.

OF SPECIAL COURTS OF COMMON PLEAS, AND OF PROCEEDINGS THEREIN.

SECTION

1. Special courts of, how held.
2. Jurisdiction of.
3. Special court writ, declaration and answer, when served, returned or filed.
4. Of judgment in, if no answer or appearance.
5. Of special leave to answer.
6. Issues of fact in, how tried.
7. *Venire facias*, when, and by whom issued.
8. When clerk to notify judge.
9. Executions on judgments in, when to issue, and be returned.

SECTION

10. Power of, in matters relating to turnpikes and railroads and of notice to party and judge.
11. Power of, in case of location of railroad, and how called.
12. Of notice of location to parties interested.
13. Power of, over report of location.
14. Fees in, in case of location and how paid.
15. Special courts, when to be adjourned by clerk.

SECTION 1. Any justice of the supreme court is empowered to hold special courts of common pleas, for the trial of all causes which by law are or may be cognizable by such courts, to render judgment and award execution therein, and generally to do all other matters and things whatsoever, which are or may be done by special courts of common pleas.

SEC. 2. Such courts shall have cognizance concurrent with the supreme court and court of common pleas;

Of all actions brought before them by auctioneers and others lawfully authorized to sell at auction, for moneys due on sales of real and personal estate sold at auction, if of the value of fifty dollars and upwards;

Of all actions commenced by the owners of real and personal estate sold at auction, against the auctioneer or other person

authorized to sell as aforesaid, for moneys due from them on such sales;

Of all actions brought against tenants, for possession of the tenements or estates let, who hold over the term for which such tenements or estates are let, whether the same be let by writing or parol;

Of all actions brought for possession of tenements or estates let, against tenants and others who have broken the terms or conditions of the lease or agreement under which they held, or who hold or occupy tenements or estates by forcible entry and detainer;

Of all actions commenced by the general treasurer, or by any town treasurer against any collector of taxes and his sureties for such collector's neglect of his official duty;

Of all actions brought against any sheriff, deputy sheriff, town sergeant or constable, for neglect to make due return of any execution, or to pay over to the creditor, or his attorney, the contents of any execution by him received, when demanded, or which shall be returned satisfied or unsatisfied without orders from the creditor or his attorney so to do, unless the body was committed, or bail taken, or property attached on the original writ;

Of all actions commenced by any sheriff against his deputies or their sureties for any neglect of duty in relation to any execution for which the sheriff is answerable or liable to be sued at a special court.

SEC. 3. A special court writ shall be served six days before the sitting of the court; the declaration shall be filed four days before the sitting of the court, and the answer or plea three days before the sitting of the court: *Provided*, the writ shall contain a notice that the answer or plea shall be filed three days prior thereto; otherwise the answer shall be filed on the day appointed in the writ for the court.

SEC. 4. If, in such case, no plea or answer be filed, and no appearance made by the defendant at the time appointed for the court for leave to file such answer or plea, the clerk shall, without the intervention of a judge, enter up judgment by default, and award execution in the same.

SEC. 5. At any time before judgment in a special court action any justice of the supreme court may, for cause shown, allow a plea or answer to the merits, to be filed out of time; in which case, and in case of plea or answer filed, he may adjourn the court to any future day.

SEC. 6. Issues of fact, joined in such action, shall be tried to the court, unless one of the parties shall, on or before the day next preceding the sitting of the court, or at the time at which he shall have leave to answer, give notice to the clerk that he requests a trial of the same by a jury.

SEC. 7. In case of such notice, the clerk shall immediately issue a writ of venire facias, directed to the sheriff or his deputy, or in case of the sheriff being a party, to some town sergeant in the county, requiring him to summon twelve jurors, being good and

lawful men of the county, to try such issue; and if there shall not be a sufficient number of jurors attending, in pursuance of such writ, the court shall direct the issuing of other writs of venire facias to complete a jury.

SEC. 8. In such case, and in case an issue in law be joined, or of an appearance of the defendant on the day of court for leave to answer the action, the clerk shall, unless some judge be present, issue a notification thereof to some justice of the supreme court, and of the day of the special court; which notification shall be served by some sworn officer or indifferent person, and returned to the court.

SEC. 9. Executions on judgments of special courts shall be issuable after three hours from the rendition of judgment; and shall be returnable to the office of the clerk of the court within fourteen days from their being issued.

SEC. 10. Upon the application of any turnpike or railroad company, or of any person whose interest may be affected by such road, or by the doings of such company, to the clerk of the court of common pleas in the county in which the estate affected by such road lies, a special court of common pleas may be called, and may hear and determine any matter or thing whereof the court of common pleas at its regular term hath jurisdiction and cognizance, relative to turnpikes or railroads, by virtue of any act of incorporation; due notice being given to the adverse party by citation, under the seal of the court and hand of the clerk, at least ten days before the time of holding the same, by the sheriff or his deputy, and by the clerk, to some justice of the supreme court, in manner above provided.

SEC. 11. Whenever any railroad company shall locate their road or any part thereof, they may file the report of such location with the clerk of the court of common pleas in the county in which such located railroad is situate, and may request in writing that a special court of common pleas may be called to consider and act on the same.

SEC. 12. Upon such request, said clerk shall give notice to all persons interested in the lands over which said located road passes, in the manner prescribed in the eleventh section of this chapter; or he shall publish notice of such location and report, and of the time of holding the special court to consider the same, for at least ten days before the day appointed for such court, in two newspapers printed in the county, or in two newspapers printed nearest to said place of location; the mode of notice to be at the option of said company; and said clerk shall also cause some justice of the supreme court to be notified of the request for such special court.

SEC. 13. A special court so called shall have the same power and jurisdiction over such report as the court of common pleas at a regular term would have, either by the charter of such company or by general law.

SEC. 14. The fee of the justice attending any such special court shall be four dollars per day; the fee of the clerk for his services

shall be two dollars; and the fees for notifying the justice or parties shall be the same by law allowed for summoning witnesses; and the railroad company, at whose request such special court was called, shall pay all the expenses of notifying and holding the same.

SEC. 15. Any special court may, in the absence of the judge, at the time appointed for the same, be adjourned by the clerk to any future time.

CHAPTER 168.

OF THE JURISDICTION OF AND PROCEEDINGS BEFORE JUSTICES OF THE PEACE IN CIVIL CASES.

SECTION

1. Original jurisdiction of justices of the peace in civil cases.
2. Action before, where commenced.
3. Writ issued by, when to be served.
4. Not to issue blank writs signed, except to attorneys, under penalty.
5. Title to real estate, not triable before.
6. Action of trespass, to which title is pleaded, how to be disposed of.
7. Except title in trespass, special pleas need not be filed before.
8. Account of particulars, when to be annexed to writ.
9. Of actions before, for balances of account.
10. Of account of defendant and of judgment in such action, if balance exceed not fifty dollars.
11. Of judgment in, if balance exceed fifty dollars.
12. Actions before, on notes, &c., reduced by indorsement, to fifty dollars and under.
13. Of confession of judgment before, upon process served.

SECTION

14. Of confession of judgment before, without process.
15. Of taxing costs, signing execution and trial, in cases before.
16. Summons to witnesses in, who may issue.
17. Who to make up judgment, issue execution, &c., in case of death, &c., of justice.
18. No attorney's fee, in cases before, taxable.
19. Judgments, &c., before, by whom and how recorded.
20. Records, &c., of, where to be deposited, in case no longer justice.
21. Duties of executors, &c., of, as to records, &c., of, in case of death of justice.
22. Penalty for neglect to deposit records.
23. Duty of justice not reappointed, as to records, &c., before deposit of same, and of town clerk after deposit.
24. Powers of wardens of certain towns.

SECTION 1. Every justice of the peace shall have original and exclusive jurisdiction of all civil actions, legally brought before him, wherein the debt or damages demanded do not exceed fifty dollars, excepting only actions relating to real estate or some easement therein, in which the title to the same may be in dispute, or those over which jurisdiction has been or may be conferred on some other tribunal, with power to enter up judgment and award execution therein.

SEC. 2. In case both parties live in the same county, the plaintiff

shall commence his action either in the town in which he lives, or in which the defendant lives, or is to be found, except where otherwise specially provided. In case the parties live in different counties, the plaintiff shall commence his action in the county in which the defendant lives or is to be found.

SEC. 3. Every original writ, issued by a justice of the peace, shall be served six days, at least, before the day of trial named therein.

SEC. 4. No justice of the peace shall sell any blank writ, by him officially signed, to any person except an attorney at law, or shall deliver to any person except as aforesaid any such writ, with permission in the absence of such justice to fill up such writ or to cause the same to be filled and served, under a penalty of ten dollars for each offence, and of ineligibility as a justice of the peace for the term of two years next after conviction.

SEC. 5. When an action of trespass shall be brought before any justice of the peace, and the defendant shall plead the general issue, he shall not be allowed to offer any evidence that may bring the title to real estate in question.

SEC. 6. If the defendant in any such action shall plead the title of himself, or any other person in justification, the justice, upon such plea being filed, shall require the defendant to give bond to the adverse party in a reasonable sum, with sufficient surety or sureties, to enter the said action at the next court of common pleas to be holden within the same county, and to prosecute the same in the same manner as upon an appeal from a justice's judgment; and if such defendant shall refuse so to give bond, the justice shall render judgment against him in the same manner as if he had refused to make answer to the suit; and either party in such case shall be allowed to appeal from the judgment of the court of common pleas, in the same manner as if the suit had been originally commenced there.

SEC. 7. In all actions triable before a justice of the peace, except such actions of trespass wherein the defendant means to avail himself by pleading, of the title of himself, or any other person under whom he claims, the defendant shall be entitled to all evidence under the general issue which by law he might avail himself of under any special plea in bar whatever.

SEC. 8. In all actions on book account for goods, wares or merchandise sold, or for work or labor done, the plaintiff shall annex a particular account thereof to his writ.

SEC. 9. In all such actions when the whole amount is more than fifty dollars, and the balance stated by the plaintiff doth not exceed that sum, he may bring his action for such balance, annexing his account of debt and credit to the writ, to the end that it may appear how the said balance arose, and shall declare specially thereon.

SEC. 10. In such case the defendant may exhibit in court his account against the plaintiff, and the court shall settle the true balance or difference of their accounts, give judgment therein, and

award execution for such balance, if by the adjustment and judgment of the court it doth not exceed fifty dollars, with costs.

SEC. 11. If in such case the account exhibited by the defendant shall exceed the sum of fifty dollars, and in the opinion of the court there shall be due the defendant thereon a greater amount than fifty dollars, then and in such case, the court shall render judgment against the plaintiff, as in case of nonsuit, and for the defendant for his costs only; and shall not any further adjudicate upon the account of the defendant, whose right to sue for the same shall remain in the same manner as before the commencement of the action.

SEC. 12. In all actions for the recovery of money due on any note or other instrument in writing, which was given originally for fifty dollars, or a larger sum, and which by indorsement, or by acknowledgment in court is reduced to fifty dollars or under, including principal and interest, suit may be brought before a justice of the peace as aforesaid, and judgment may be entered thereon, and execution awarded in the same manner as though said note had been originally given for a less sum.

SEC. 13. When any person shall be sued in any action before any justice of the peace, he may go with the officer who served the writ before the said justice, and there confess judgment for the plaintiff's demand, first giving bail in the action, if bail be required by the terms of the writ; which confession the justice shall record, tax costs as far as they have accrued, and award execution.

SEC. 14. Justices of the peace are authorized to accept and record the confession of any judgment within their jurisdiction, made by a debtor personally, with the assent of the creditor, with or without antecedent process; and on such terms in regard to staying execution, as the parties may agree on; and to render judgment and award execution accordingly.

SEC. 15. The justice of the peace who signed the writ in any action shall tax the costs and sign the execution on the judgment thereon; but the trial of the same may be had before him, or, in his absence, before any justice of the same town.

SEC. 16. In all cases whether civil or criminal, before any court, a summons for witnesses may be issued by any justice in the county.

SEC. 17. If the justice of the peace who has signed any writ shall die, remove, or cease to sustain the office, any other justice of the peace of the same town, on the written application of the plaintiff, may tax the costs, enter up judgment, or issue a writ of execution or scire facias upon the judgment, with the same effect as the justice who signed the writ.

SEC. 18. No attorney's fee shall be allowed and taxed in the bill of costs, before any justice's court.

SEC. 19. All the judgments and proceedings of a justice of the peace shall be by him fairly recorded in a book, to be kept for that purpose only.

SEC. 20. Every justice of the peace shall, within six months after he shall cease to sustain the office of justice, lodge with the town clerk of the town in which he lives, all his records and official

papers, except those which he may have delivered to some other justice of the peace, as hereinafter provided, to be preserved by such town clerk, as appendages to his office.

SEC. 21. In case of the decease of any justice of the peace, his executors or administrators shall lodge his records and papers as aforesaid, in the office of such town clerk, within six months after the death of such justice.

SEC. 22. If any justice of the peace or the executors or administrators of any justice, shall neglect or refuse to lodge such papers or records as aforesaid, any such person so offending shall forfeit and pay the sum of two dollars a month, for each month he shall so neglect or refuse.

SEC. 23. It shall be the duty of any person who may have sustained the office of justice of the peace, at any time before he shall have lodged his records and official papers with the town clerk, to deliver to any justice of the peace of the same town to whom application in writing may have been made to issue any writ of execution or scire facias in any action originally commenced before him, the original papers in any such action; and it shall be the duty of any town clerk, at any time after the records and official papers of any justice of the peace shall have been lodged in his office, in like manner to deliver such original papers.

SEC. 24. The powers and duties hereby, or by any special act, conferred and imposed on justices of the peace, may and shall be enjoyed and performed by wardens in those towns that are authorized by their original charters to elect wardens.

CHAPTER 169.

OF COURTS OF MAGISTRATES OR JUSTICES.

SECTION

1. In Providence, how constituted, and jurisdiction of.
2. In Newport, how constituted, and jurisdiction of.
3. In Woonsocket, how constituted, and jurisdiction of.
4. Of special jurisdiction of such courts, and over by-laws, &c., of towns.
5. Not to take declarations of aliens, for citizenship.
6. Members of, how and when, and out of what persons to be elected.
7. Presiding justice and clerk of, how to be elected.
8. Of presiding justice and clerk *pro tempore*.
9. Of bond of clerk of.

SECTION

10. Of quorum of, and who may adjourn.
11. Power of, to adopt seal and to issue habeas corpus to jailers.
12. Duty of court.
13. Duty of clerk.
14. Penalty upon clerk, for neglect to pay over fines and costs.
15. Keeping of proper records, condition of recligibility.
16. Writs and executions, &c., how to be signed, sealed and tested.
17. How tested, if presiding justice party; how, if clerk party to suit.
18. Summons to witnesses, how signed.
19. Forms of writs and executions in, what.

SECTION
20. Civil action in, not entered, unless entry paid.
21. Fee for attendance of party in.
22. Other fees in.
23. Criminal proceedings, how commenced.
24. Of signature of warrant, arraignment, sentence, binding over, or recognizance for trial before.
25. Of commitment for want of recognizance, and fee for taking same.
26. Courts of, when to sit, and time of entering and answering actions in.
27. Proceedings before and powers of, same as justices of peace.
28. Proceedings as to criminals, whose cases may, or may not be, within jurisdiction of court to determine.
29. Power of to commit, for want of recognizance.
30. Appeals from, how taken.
31. Vacancies in members of, how filled.
32. Jurisdiction of court of magistrates of Providence, over process of former court of magistrates.
33. Records, &c., of former courts of magistrates of Providence, where to be kept, and power of present court over.
34. Records, &c., of former court of magistrates, where to be kept, and power of present court over.

SECTION 1. There shall be a court of magistrates in the city of Providence, to consist of three justices, with exclusive jurisdiction, within the city of Providence, in all civil actions and criminal cases and proceedings whatsoever, jurisdiction over which is or may be by law given to justices of the peace, as such, except as may be hereinafter, or by law, provided.

SEC. 2. There shall be a court of justices in the city of Newport, to consist of three justices, with like jurisdiction within the city of Newport.

SEC. 3. There shall be a court of magistrates in the village of Woonsocket, to consist of a presiding justice and a clerk, with like jurisdiction in civil actions concurrent with other justices of the peace in the town of Cumberland, and with like exclusive jurisdiction in all criminal cases and proceedings within the following limits: beginning at the mouth of Peter's river, (so called,) thence northerly with said river to the Massachusetts state line, thence westerly along said state line to the Blackstone river, thence down said Blackstone river to the place of beginning.

SEC. 4. Said courts, and any similar courts hereafter created by the general assembly, shall have any special jurisdiction which is or may be conferred by charter or law upon justices of the peace within their respective jurisdictional limits; and may, if no special court exists or is created by charter or law for that purpose, have original jurisdiction of all suits and complaints for offences against the by-laws, ordinances and regulations of their respective towns or cities, whether passed by the towns or cities, or under the law, by the proper constituted authorities thereof.

SEC. 5. No court of magistrates or of justices shall record or place on file in the office of the clerk of such court, the declaration of any alien of his intention to become a citizen of the United States, or take cognizance of the petition of any alien to become naturalized as such citizen.

SEC. 6. The justices or members of said courts shall be elected annually by the general assembly in grand committee, out of the

justices of the peace elected for, and resident within their respective jurisdictional limits.

SEC. 7. Said courts, and any similar courts hereafter created by the general assembly, shall annually elect from their number, a presiding justice, and the same or a different member of the court, as a clerk, unless otherwise by law provided.

SEC. 8. In case of death, resignation, absence or inability, they may from their own number, appoint a presiding justice or clerk, either pro tempore or for the remainder of the year, as the case may require.

SEC. 9. Before entering upon the duties of his office, the clerk of the court of magistrates in the city of Providence shall give bond, with sufficient surety, to the general treasurer, in the sum of three thousand dollars, and each of the clerks of the other similar courts now existing, or hereafter to be created, unless otherwise specially provided, in the sum of one thousand dollars, with condition faithfully to perform the duties of his office according to law, to record seasonably the judgments and determinations of said court, and to account with the state auditor and to pay over to the general treasurer, as often as by law required, all fines, costs and other moneys by him received, belonging to or payable to the state.

SEC. 10. A majority of the existing members of such court shall constitute a quorum, if there be more than two, otherwise one member; and one member, if but one be present, shall in all cases have power to adjourn the court. In case of the absence or inability of all the members, any justice of the peace residing within the jurisdictional limits of the court, may adjourn the court, and continue all business pending before it.

SEC. 11. Such court shall have power to adopt a seal and may issue writs of habeas corpus to bring before them any person in the jail of the county, for trial in any criminal case lawfully pending in said court, or to bring in any such person to be examined as a witness in a suit or proceeding, civil or criminal, pending in said court, that the ends of justice may be attained, and for no other purpose whatever.

SEC. 12. It shall be the duty of such court to hear and determine all matters lawfully brought before them.

SEC. 13. It shall be the duty of the clerk of such court: —

First. To keep a docket of all actions, complaints or proceedings, either of a civil or a criminal nature, that may be entered or had in said court, and to note in the same against each case, the judgment therein, or the determination thereof, and in all criminal cases, the fine or imprisonment to which the defendant may be sentenced;

Second. To record the judgments and proceedings of said court in a book to be kept for that purpose;

Third. To tax the costs, including officers' fees, in all cases, civil and criminal, that may be entered, commenced or pending in said court, subject to the revision of the other members or member of said court; and in criminal proceedings, in which the complainant

is not required by law to give surety for costs, to tax the costs in a separate book to be kept for that purpose, the same to be from time to time examined, revised and certified by the other members of said court;

Fourth. To receive all fines and costs in criminal cases, and all justices' fees in civil and criminal cases, and to account with the state auditor and pay over to the general treasurer all said fines, and all said justices' fees, and all said costs or other moneys belonging or by law payable to the state, as often as by law required.

SEC. 14. For any wilful neglect of the clerk, or member of said court performing the duties of clerk, to account as aforesaid provided, or for any wilful neglect or refusal of any member of said court to pay over all fines and costs by him received, he shall be fined fifty dollars for each offence, and also double the amount of fines by him received and so detained.

SEC. 15. The clerk of such court shall not be reëligible to said court, unless prior to his reëlection, he shall have faithfully and seasonably recorded the judgments and proceedings of said court, and shall produce to the general assembly at the May session thereof, a certificate of one of the justices of the supreme court that he has faithfully and fully kept and made up said records.

SEC. 16. Original writs in civil cases, and all executions and other processes, except summons to witnesses, returnable to such court, shall be signed by the clerk thereof, under the seal of said court, said original writs in blank or otherwise, and shall bear teste of the presiding justice of such court.

SEC. 17. Whenever the presiding justice of such court shall be a party to any writ, execution, or other process returnable thereto, the same shall bear teste of one of the other justices of such court; and wherever the clerk shall be a party thereto, shall be signed by one of the other justices of such court.

SEC. 18. Summons to witnesses in cases civil or criminal pending before such court, may be signed by any member thereof.

SEC. 19. The forms of writs, executions and summons in civil cases, returnable to such court, shall be substantially the same as those returnable to justices of the peace in other towns.

SEC. 20. No civil action shall be considered as entered in, or be received by such court, until the entry fee shall have been paid.

SEC. 21. In each civil case entered in such court in which judgment shall be rendered, the sum of fifty cents shall be allowed for attendance of the party recovering judgment; but the said sum of fifty cents so taxed for attendance as aforesaid, shall not be received by the clerk of the court, but shall be taxed in the bill of costs to and for the use of the party recovering judgment: *Provided*, that when an appeal shall be taken from such court in any civil case, the clerk thereof shall receive all the taxed costs that are paid upon such appeal, and shall account for the said attendance fee of fifty cents with the party recovering judgment, or his attorney of record, and shall pay over all the other costs in each case appealed as aforesaid to the persons by law entitled to the same.

SEC. 22. Such court, except as is hereinbefore provided, shall tax the same fees as may be allowed by law to be taxed by justices of the peace in similar cases.

SEC. 23. In all criminal cases in such court, the proceedings therein shall be commenced by complaint and warrant in the manner by law prescribed for the commencement of criminal cases before justices of the peace.

SEC. 24. The warrant may be signed by either member of the court; and either member may arraign and require the person apprehended to plead thereto; may sentence him, if he plead guilty, or that he does not wish to contend, to an offence within the jurisdiction of the court to try and determine; or if he waive examination in case of an offence beyond the jurisdiction of the court, may bind him over to the next court, to be holden in the county having jurisdiction of the offence, taking recognizance for his appearance therein, and committing him for want of such recognizance, as such court might do; or, if the person charged shall plead not guilty, or such member shall not think proper to pronounce sentence or take recognizance as aforesaid, may require from such person a recognizance to appear before such court to answer the complaint whenever it shall be called for hearing, and to abide and perform the sentence and order of the court thereon.

SEC. 25. In default of such last-named recognizance being given, either member of such court may commit the person so apprehended to the jail in the same county, there to remain until he give such recognizance, or until he be otherwise lawfully discharged therefrom; and any one of said justices is empowered to sign a mittimus for said purpose; and the same fee shall be taxed for taking said recognizance as if the same were taken to a higher court.

SEC. 26. Such court shall be considered to be in session at all times for the transaction of such criminal business as shall be legally brought before it, and for the return of civil process; and on two days at least, in each week, for hearing and determining petitions or motions in civil causes and for the trial of civil actions; the time of entering said actions and filing answers thereto, and the manner and order of said trials, to be determined by rules to be established by such court.

SEC. 27. All the proceedings in such court, in the hearing, trial and determination of all actions and complaints pending before them, and in all matters relating thereto, shall be substantially the same as the proceedings in like cases before justices of the peace; and the court shall have all powers necessary or proper to enable them to discharge their duties therein, in the same manner as justices of the peace in like cases.

SEC. 28. Whenever any person is brought before such court charged with an offence, the punishment whereof is beyond the jurisdiction of said court, or is so placed within the jurisdiction of the court trying him, that it may or may not exceed the jurisdiction of the court, the said court may proceed to an examination, and in case he be adjudged probably guilty of an offence, the pun-

ishment whereof is beyond the jurisdiction of said court, shall bind him by recognizance with surety or sureties in such sum as they think proper, to appear at the next term of the supreme court, or court of common pleas for the county, and not to depart therefrom without leave, and in the mean time to be of good behavior and keep the peace; or if the case be within their jurisdiction, according to their discretion aforesaid, may proceed to trial of such person; and if he be found guilty, to sentence him to a punishment within their power to inflict, or should they deem such punishment inadequate to the offence, may bind him over by recognizance with surety or sureties as aforesaid.

SEC. 29. Any person refusing to give recognizance when required by such court, shall be committed to the county jail, until such recognizance be given, or he be lawfully discharged therefrom according to law.

SEC. 30. Appeals from the judgments of such courts, in matters civil and criminal, may be taken in the same manner as is or may be by law provided for appeals from judgments rendered by justices of the peace.

SEC. 31. Whenever a vacancy shall happen in such court from death, resignation or otherwise, the same shall be supplied by the general assembly in grand committee at the session during which or next after the vacancy shall occur: *Provided*, that whenever any vacancy shall happen in such court from death, resignation or disability of any of the members thereof, which shall be likely to be of inconvenient duration, the governor is authorized to commission any justice of the peace residing within said limits, to perform the duties of the office so rendered vacant, until such disability is removed, or until the next session of the general assembly; and the person so commissioned shall be subject to the same duties and obligations, and be entitled to the same compensation during the time of his appointment, as are imposed and conferred by law upon the person elected to that office.

SEC. 32. The court of magistrates of the city of Providence is authorized to take jurisdiction over all writs, complaints, warrants, citations, and all other processes, which on the first day of June, in the year 1854, were commenced in or pending before the court of magistrates in the city of Providence theretofore existing, or which had been issued out of, or returnable to said court, in the same manner, and to the same extent, as if said writs, complaints, warrants, and other processes were commenced in, were pending before, or were issued out of, and returnable to the court then by law established in its place and hereby continued.

SEC. 33. The records and papers of all former courts of magistrates established by law in the city of Providence, shall be and continue in the custody of the clerk for the time being of the present court of magistrates, who shall continue to have power to issue executions and to certify copies of said records and papers, and in general to do all matters and things pertaining to the same, in the same manner, and with the same effect, as he is authorized to do

in relation to the records and papers of the court of which he is, or shall be clerk.

SEC. 34. The records and papers of the former court of magistrates in the village of Woonsocket, shall be and continue in the custody of the clerk of the court of magistrates of the village of Woonsocket now by law established, who shall have full power to issue executions and to certify copies of, and in general to do, all things appertaining to such records and papers, in the same manner, and with the same effect as he is authorized to do in relation to the records of the present court.

CHAPTER 170.

OF THE CLERKS OF THE SUPREME COURT AND COURT OF COMMON PLEAS.

SECTION
1. Of oath and bond of clerks.
2. Duty of clerks.
3. Record of judgment, what to recite, and power of court to order record to be made in case of neglect, &c.
4. Of indexes to records.
5. Clerk *pro tempore*, how appointed by court, &c., and tenure of.
6. Such clerk how qualified, and compensation of.
7. Deputy clerk, how appointed, qualified, and powers of.
8. Deputy clerk how removable, and compensated.
9. Of deputy clerk in case of two or more courts at same term, how appointed, and of duties of, and of clerk.
10. Of qualification, bond and compensation of deputy clerk, in such case.
11. Certificate of justice as to keeping records, &c., in order, condition of re-eligibility of clerk.

SECTION 1. Each of the clerks of the supreme court and of the court of common pleas shall, before entering upon the duties of his office, in addition to being sworn, give bond, with sufficient sureties, to the general treasurer, to be approved by him, in the sum of three thousand dollars, faithfully to discharge the duties of his office according to law, and seasonably to record the decrees, judgments and determinations of the court for which he is clerk.

SEC. 2. Said clerks shall constantly attend the sittings of their respective courts, shall keep the seal, books and papers thereof, shall make fair entries and records of all the proceedings, judgments, orders and decrees therein, shall furnish stationery, to be allowed by the court, for the use of the same, and shall do and perform all other things which, by law, or the rules of the court, shall appertain to their office.

SEC. 3. Said clerks shall, in the record of every judgment, recite the substance of the declaration and pleadings in the case; and whenever, by accident, neglect or otherwise, any clerk may have failed to record the proceedings of the court of which he is clerk,

in any cause pending before it, said court may direct the acting clerk to record said proceedings, upon such evidence as may seem satisfactory to them, giving notice to the parties interested or their attorneys, whenever from the circumstances of the case, they may deem it proper.

SEC. 4. Said clerk shall make or cause to be made, to every book of records of judgments in their office, not completed, two indexes; one, an alphabetical index of the names of plaintiffs, complainants or petitioners, giving also the names of the defendants or respondents in each case; and another alphabetical index of the names of defendants or respondents, giving also the names of the plaintiffs, petitioners or complainants in each case.

SEC. 5. In case of the death, absence or inability of either of said clerks, or in case the clerk appointed declines serving, if of the supreme court, the chief justice, or in case of his death, absence or inability, either of the associate justices of said court, and if a clerk of the court of common pleas, the chief justice of the supreme court, or the associate justice assigned to hold said court of common pleas, may appoint a clerk thereof, who shall hold his office until the clerk shall have returned, the inability be removed, or until another clerk shall have been appointed by the general assembly.

SEC. 6. The clerk so appointed shall be sworn and give bond before he enters upon the duties of his office, as in case of a clerk appointed by the general assembly, and shall, during his term of service, be entitled to the fees or compensation of the office.

SEC. 7. Either of the clerks of said court may, subject to the approval of the supreme court or of either of the justices thereof, appoint a deputy clerk, who being sworn, may discharge all the duties of the clerk appointing him during his sickness or temporary absence.

SEC. 8. Such deputy clerk shall be removable at the pleasure of the clerk appointing him, and of the supreme court, or of either of the justices thereof; and the clerk appointing him shall provide for his compensation and be liable for his misconduct or neglect of duty.

SEC. 9. When two or more supreme courts or courts of common pleas are holden at the same time in the same county, the clerk of such court appointed by the general assembly shall attend one of said courts, and shall keep the records and files of the others of said courts; and may, subject to the approval of the supreme court, or of either justice thereof, appoint a deputy or deputies to keep minutes of the proceedings of the other or others of said courts.

SEC. 10. Every such deputy shall be sworn; and may, at the option of the clerk appointing him, be required to give bond, with surety, to such clerk, who shall be responsible for his acts and neglects, that he will perform his duties and pay over to him all moneys received by him as deputy clerk; and shall receive four dollars per day for his services, out of the general treasury, to be allowed by the court which he attends.

SEC. 11. No clerk of either of said courts shall be reëligible, unless the justice who shall examine the files and records by him kept, shall certify that the same are in proper order, that such clerk has kept proper minutes of the proceedings of the court of which he is clerk, and that, previous to his reëlection, he has duly and seasonably recorded the judgments, orders and decrees of said court, and made the required indexes to his books of record.

CHAPTER 171.

OF THE REPORTER AND REPORTS OF THE DECISIONS OF THE SUPREME COURT.

SECTION
1. Reporter, how appointed, and tenure of office.
2. Duty of.
3. Duty of court to.
4. Title of reports.

SECTION 1. A reporter of the decisions and opinions of the supreme court shall be appointed by the general assembly, who shall be removable at pleasure.

SEC. 2. He shall attend the supreme court at their sittings in full court in all the counties of the state, and make true reports of the decisions and opinions of said court on all legal questions that shall be argued by counsel, and shall publish the same at least annually.

SEC. 3. The court shall, when requested by the reporter, communicate to him, in writing, a statement of their decision and opinion in any case.

SEC. 4. The reports shall be entitled "Rhode Island Reports."

CHAPTER 172.

OF JURORS AND JURIES.

SECTION
1. Who liable to serve as jurors.
2. Persons and classes exempt from jury duty.
3. Duty of clerks of incorporated engine, &c., companies.
4. Duty of clerks of such companies as to members elected by villages, &c., and exempted from jury duty.
5. Penalty upon such clerks for neglect of duty.
6. Town councils, when to make lists of jurors, and who to list.
7. Names of persons liable to jury duty how to be written, where placed, and when, and how, and how many of, to be drawn as grand and petit jurors.

SECTION
8. In case person drawn be sick or exempt, what.
9. In case person drawn be excused, what.
10. Names of persons drawn, where to be placed.
11. Of notification to persons drawn.
12. Notification to, how served, and returned, and fees for service of.
13. Order of drawing jurors.
14. Jurors for Newport county, how many, and from each town.
15. Jurors for Providence county, how many, and from each town.
16. Petit jurors for Providence county, how to be classed.
17. Classes of, when to attend the supreme court.
18. Classes of, when to attend the court of common pleas.
19. Jurors for Washington county, how many, and from each town.
20. Jurors for Bristol county, how many, and from each town.
21. Jurors for Kent county, how many, and from each town.
SECTION
22. Penalty upon members of town council for neglect to draw and notify jurors, and for drawing exempts.
23. Penalty upon officer for neglect to serve and return notification.
24. Power of courts to take up jurors on *venire*.
25. Of objection to juror who has served within two years.
26. Penalty upon juror not attending or afterwards absenting himself.
27. Jury fines, how levied and collected.
28. Drawn juror's privilege from arrest and attachment.
29. *Venire* juror's privilege.
30. Service, against privilege of, void.
31. Interest of juror's town in forfeiture, no cause of challenge in criminal case or penal action.
32. How cause of challenge to, waived.
33. Of peremptory challenges to jurors.
34. Challenges to, how to be disposed of.
35. Grand juror's and petit juror's oaths.
36. Foreman of grand jury may administer oaths.

SECTION 1. All persons who are qualified to vote upon any proposition to impose a tax, or for the expenditure of money in any town, shall be liable to serve as jurors, except as is hereinafter provided.

SEC. 2. The following persons shall be exempted from serving as jurors, viz.: the governor, lieutenant-governor, secretary of state, attorney-general, general treasurer, state auditor, justices of the state and United States courts, justices of courts of magistrates and of justices, clerks of courts, sheriffs, deputy sheriffs, town sergeants and constables, the marshal of the district and his deputies, ministers of the gospel, practising attorneys, physicians and surgeons, the president, professors, tutors, librarian, registrar and students of Brown university, cashiers of banks, schoolmasters, town clerks, revenue officers of the United States, one ferryman to each ferry who usually navigates the boat, postmasters, post-riders, one miller to each grist mill who usually tends the same, the keepers of asylums for the poor in the several towns, all persons over sixty-five years of age, all engineers or firewards of the fire departments in the several towns and cities, all members of fire-engine, hydraulion, hose, and fire-hook and ladder companies, in towns and cities other than Providence, who shall have been elected members thereof by such towns and cities, and all members of private incorporated companies for similar purposes in towns and cities other than Providence, who shall be exempted from jury duty by their charters, so long as such persons continue members of such companies.

SEC. 3. The clerk of every incorporated fire-engine, hook and

ladder, stationary engine and hydraulion company, except in the city of Providence, shall, within ten days after the annual election of the officers thereof in every year, make return to the town clerk of the town in which any member of such company may reside, of the names of all the members of such company.

SEC. 4. The clerk of every company incorporated for such purpose, any portion of the members of which being elected by any village district or town, are or may be exempted from serving as jurors, shall annually, and within ten days after his election, return to the town clerk of the town in which any member of such company may reside, a list of the names of such members as are or shall be so exempted and resident in such town.

SEC. 5. Any clerk of a company such as is described in either of the two sections next preceding, who shall neglect or refuse to make such return within the time limited therein, shall forfeit twenty dollars, to be recovered one half to the use of the person who shall sue for the same, and the other half to the use of the town to whose clerk such return should have been made.

SEC. 6. The town council of each town shall, in the month of April in every year make a list of such persons inhabiting the town, not exempted as aforesaid, as they shall think well qualified to serve as jurors, being persons of good moral character, of sound judgment, and free from all exception.

SEC. 7. The name of each of these persons shall be written on a separate piece of paper and placed in a box provided for that purpose by each town, which box shall be delivered to the town clerk, to be by him kept locked; and the town council of each town shall at a meeting thereof, not more than six weeks previous to each term of the supreme court and court of common pleas in the county, except the September term of the court of common pleas for the county of Providence, draw from said box the names of so many persons as such town is or shall be required to send for grand and petit jurors to such court.

SEC. 8. When the name of any person who is sick, out of the state, or exempted from serving as a juror, shall be drawn out, it shall be returned again into the same box and another drawn in his room.

SEC. 9. In case any drawn juror shall be excused by the court for which he is drawn, on the first or second day of the term, or on the day of the term on which his attendance is required, the clerk of such court shall, as soon as may be, give notice thereof to the town clerk of the town from which he came, and his name shall be returned into the same box.

SEC. 10. The names of all persons drawn as jurors, except as aforesaid, shall be put into another box provided for that purpose by each town, and kept locked by the town clerk, until the names in the first box shall be all drawn out, when the whole shall be returned into the first box.

SEC. 11. Immediately upon drawing jurors for any court, the town council of each town shall issue a notification, under the seal of the council and hand of the clerk, to the persons so drawn,

designating therein who are grand and who are petit jurors, and requiring them, except as is hereinafter provided, in the name of the state, to attend the court for which they are drawn jurors, at a day and hour named therein, which shall be nine of the clock in the forenoon of the second day of the term in all counties except the county of Providence.

SEC. 12. Such notification shall be served by the town sergeant or one of the constables of such town, six days at least before the time at which they are required to appear, by reading the same in the presence and hearing of each of said persons, or by leaving a true and attested copy thereof at his last and usual place of abode; which notification, when served, shall be returned by the officer serving the same, to the clerk of the court for which such jurors were drawn, before or at the opening of said court on the second day thereof, and in the county of Providence as in the seventeenth and eighteenth sections of this chapter provided; and the said sergeant or constable shall be paid twenty-five cents out of the town treasury for warning each person.

SEC. 13. When jurors for the supreme court and for the court of common pleas are to be drawn at the same session of the council, those for the supreme court shall be first drawn, and grand jurors shall be drawn before petit jurors.

SEC. 14. There shall be drawn in the county of Newport for the supreme court, and for the court of common pleas, in said county, thirteen grand jurors and thirty petit jurors, that is to say: Newport, four grand and nine petit jurors; Portsmouth, two grand and five petit jurors; Jamestown, one grand and one petit juror; Middletown, two grand and four petit jurors; Little Compton, two grand and five petit jurors; Tiverton, one grand and three petit jurors; Fall River, one grand and three petit jurors, for each of said courts.

SEC. 15. There shall be drawn in the county of Providence, thirteen grand and sixty petit jurors, that is to say: Providence, one grand and fourteen petit jurors; Smithfield, three grand and eight petit jurors; Scituate, one grand and six petit jurors; Glocester, one grand and four petit jurors; Cumberland, one grand and six petit jurors; Cranston, two grand and four petit jurors; Johnston, one grand and four petit jurors; North Providence, one grand and six petit jurors; Foster, one grand and four petit jurors, and Burrillville, one grand and four petit jurors for each of said courts.

SEC. 16. Said sixty petit jurors drawn for the county of Providence shall be divided by the several town councils drawing the same, into two equal classes of thirty each; the first half of the jurors apportioned to and drawn in each town, to constitute the first class, and the last half apportioned to and drawn in each town, to constitute the last class.

SEC. 17. The first class of petit jurors drawn to attend at the terms of the supreme court within and for the county of Providence, shall be notified to attend, and shall attend, said court at ten o'clock in the forenoon of the second Monday of each term of

said court; and the second class of petit jurors, shall be notified to attend, and shall attend said court at ten o'clock in the forenoon on the fourth Monday of each term of said court.

SEC. 18. The first class of petit jurors, drawn as aforesaid to attend at the terms of the court of common pleas within and for the county of Providence, shall be notified to attend, and shall attend said court, at ten o'clock in the forenoon of the second day of each term except the September term of said court; and the second class shall be notified to attend, and shall attend said court at ten o'clock in the forenoon on the third Monday of each term except the September term of said court.

SEC. 19. There shall be drawn in the county of Washington, thirteen grand and sixteen petit jurors, that is to say: Westerly, two grand and three petit jurors; North Kingstown, two grand and three petit jurors; South Kingstown, three grand and four petit jurors; Charlestown, one grand and one petit juror; Exeter, one grand and two petit jurors; Richmond, two grand and one petit juror; Hopkinton, two grand and two petit jurors, for each of said courts.

SEC. 20. There shall be drawn in the county of Bristol, thirteen grand and thirteen petit jurors, that is to say: Bristol, seven grand and six petit jurors; Warren, three grand and four petit jurors; and Barrington, three grand and three petit jurors for each of said courts.

SEC. 21. There shall be drawn in the county of Kent, thirteen grand and fifteen petit jurors, that is to say: East Greenwich, four grand and three petit jurors; Warwick, three grand and five petit jurors; West Greenwich, three grand and two petit jurors; and Coventry, three grand and five petit jurors, for each of said courts.

SEC. 22. If any town council shall neglect to make a list of persons in their town liable to do duty as jurors, or to draw jurors, or to issue a notification to persons drawn as jurors, as hereinbefore required, or shall draw as a juror any person exempted from serving as a juror by the second section of this chapter, each member of such council so neglecting, or wilfully drawing such exempted person shall be fined twenty dollars.

SEC. 23. Every officer charged with a notification to any persons drawn as jurors, who shall neglect to serve and return the same as hereinbefore required, shall for each offence be fined twenty dollars.

SEC. 24. The supreme court and the court of common pleas, in term time, may issue writs of venire for additional jurors, whenever it shall be found necessary for the convenient despatch of their business; such writs to be served and returned and the jurors required to appear at such times as shall be prescribed in such writs.

SEC. 25. No person summoned on a writ of venire shall be qualified to serve as a juror, who has served as such within two years next preceding the time when he shall be so summoned; but no objection to a juror shall be sustained on this ground, un-

less made before the opening of any case in which he shall be sworn and serve as juror, nor shall such objection, unless so made, avail against any verdict in any proceeding, civil or criminal, in which such disqualified juror shall concur.

SEC. 26. Every person duly notified to attend any court as juror, or returned as a juror on any venire, as aforesaid, who shall not attend as required at the court, or shall afterwards absent himself therefrom without leave of the court shall be fined twenty dollars.

SEC. 27. All fines incurred by jurors and persons returned or notified as jurors, under this chapter, shall be levied and collected by warrant of distress from the court, directed to the sheriff or his deputy, of the county in which such person dwells or his estate is to be found.

SEC. 28. The person and estate of every drawn juror attending any court in this state, shall be free and exempt from all process in any civil action during the sitting of the court for which he may be drawn, if he be not before dismissed, and for three days next before the time he was required to appear, and for the three days next after he is discharged.

SEC. 29. Jurors taken up on venire and attending court shall enjoy the same exemptions, from the time they shall be required to appear, until the expiration of three days after they shall be discharged.

SEC. 30. The service of all process contrary to the two sections next preceding shall be absolutely void.

SEC. 31. In complaints, indictments, and penal actions, for the recovery of any sum of money or other thing forfeited, it shall not be cause of challenge to a juror that he resides or is liable to pay taxes in any town which may be benefited thereby.

SEC. 32. If a party know of any objection to a juror before the jury are impanelled in his cause, and omit to suggest it to the court, he shall not afterwards make the same objection, unless by express leave of the court.

SEC. 33. Either party, in a civil action, or in any criminal proceeding, may, at or before the time when the jury is called for the trial of the cause, challenge, in writing, addressed to the clerk of the court, any jurors not exceeding one in six, without alleging or showing any cause therefor; and after such objection, the challenged jurors shall not be called for the trial of such cause; but other jurors shall be called from the remaining panel to take the place of the challenged jurors for the trial of the cause.

SEC. 34. Written objections or challenges, filed under the provisions of the next preceding section, shall be kept in such place, and disposed of in such manner as the court may direct.

SEC. 35. Each grand and petit juror, before acting as such, shall take the oath prescribed for him, in the following forms: —

Grand Juror's Oath.

"You severally and solemnly swear (or affirm), that, as members of the grand inquest for the body of the county of you

will diligently inquire and true presentment make of all such crimes and misdemeanors cognizable by this court as shall come to your knowledge; the state's counsel, your fellows' and your own will keep secret; will present no person for envy, hatred or malice; neither will you leave any person unpresented, for love, fear, favor, affection or hope of reward; but you will present things truly, as they come to your knowledge, according to the best of your understanding; so help you God; (or, this affirmation you make and give upon peril of the penalty of perjury.")

Petit Juror's Oath in Criminal Cases.

"You swear (or affirm), that you will well and truly try, and true deliverance make, between the state of Rhode Island and Providence Plantations and the prisoner [or defendant] at the bar according to law and the evidence given you; so help you God; (or, this affirmation you make and give upon peril of the penalty of perjury.")

Petit Juror's Oath in Civil Cases.

"You swear (or affirm) that in all cases between party and party, that shall be committed to you, you will give a true verdict therein, according to law and the evidence given you; so help you God; (or, this affirmation you make and give upon the peril of the penalty of perjury.")

SEC. 36. The foreman of any grand jury which may be impanelled shall have full power and authority to administer all necessary oaths and affirmations to witnesses who may be examined before the grand jury of which he is foreman.

CHAPTER 173.

OF SHERIFFS, DEPUTY SHERIFFS AND JAILERS.

SECTION
1. Who eligible as sheriffs.
2. Oath and bond of sheriff.
3. Deputy sheriffs, by whom and how many to be appointed.
4. Appointment of deputies, how made and recorded.
5. Oath and bond of deputy sheriffs.
6. Of appointment and bond of jailers.
7. Of special deputies.
8. Responsibility of sheriff for his deputies and jailer.
9. Deputation, how to be revoked.
10. Of remedy on sheriff's bond for his neglect, &c., or that of his deputy or jailer.
11. Of remedy on bond of deputy or jailer for his neglect, &c.
12. Copies of such bonds, how to be procured, and force of as evidence, and of subpœna for original.
13. Of declaration on such bonds.
14. Of judgment on such bonds.
15. Defendant's execution for costs in, against whom to issue.
16. Sheriff's duty to attend general assembly and courts.
17. Sheriff's duty to furnish members of general assembly with copies of laws, &c., to deliver commissions, &c., and fees for latter service.

SECTION
18. Sheriff's duty to return unclaimed commissions.
19. Duty of sheriff of Providence, to attend commencement at Brown university.
20. Duty of sheriff as to service of writs and precepts.
21. Waters of Narragansett bay, within what county, as to service of process.
22. Power of sheriffs, deputies and jailers to command aid, and penalty for neglect to render it.
23. Liability of sheriff, &c., for neglect to serve process.
24. Effect of death of sheriff, on office of his deputy and jailer, and upon his liability for them on his bond.
SECTION
25. Remedy over of executors and administrators of such sheriff, on bond of deputy and jailer.
26. Sheriff resigning or removing, how long to have power as sheriff, &c.
27. Jail books of criminals committed, how to be kept.
28. Jailer to deliver books and papers to sheriff under penalty, when.
29. Sheriffs to deliver books and papers to successors, under penalty.
30. Of inquest on body of person dying in jail, and of burial and expense of burial of same.
31. Of report of jailers, as to prisoners at suit of state, to supreme court.
32. Deputy sheriff or jailer, how removable for misdemeanor in office.

SECTION 1. To be eligible to the office of sheriff, a person shall, at the time of his election, be an inhabitant of the county for which he is elected, and shall not be a member of the general assembly.

SEC. 2. Every person elected sheriff shall, previous to his entering on the duties of his office, in addition to being sworn, give bond with two sufficient sureties to the general treasurer, in the sum of fifteen thousand dollars, for the due and faithful execution of his office according to law.

SEC. 3. Every sheriff is authorized to appoint as many deputies, being inhabitants of the county and not being members of the general assembly, as he may deem necessary for his assistance in the due performance of the duties of his office.

SEC. 4. The appointment of every deputy shall be in writing, under the hand and seal of the sheriff, and shall be recorded in a book to be kept for that purpose in the office of the clerk of the court of common pleas in the county for which he is appointed, or lodged to be so recorded, previous to his entering on the duties of his office.

SEC. 5. Every deputy shall, in addition to being sworn, give bond with sufficient sureties to the sheriff appointing him, in a sum not less than three thousand dollars, nor more than twelve thousand dollars, for the faithful execution of his office, according to law.

SEC. 6. Every sheriff, excepting the sheriff of the county of Providence, shall be authorized to appoint a jailer or keeper of the prison in his county, who shall give bond in the same manner and for the same sum that deputy sheriffs are required to do; and the appointing of said jailer shall be in like manner under the hand and seal of the sheriff, and recorded as aforesaid.

SEC. 7. Every sheriff shall be authorized to appoint a special deputy for the service of any writ or process to him directed; pro-

vided the same be done upon the back of such writ or process, and such deputy be sworn before any judge, justice of the peace or notary-public, duly and faithfully to execute said writ or process, and the same be certified by said judge, justice or notary under such deputation.

SEC. 8. Every sheriff shall be responsible and accountable for any neglect or misfeasance in office, of his deputies or jailer; and in all cases where any person shall be entitled to an action for any neglect or misfeasance in office of any deputy sheriff or jailer, he shall have his election to bring the same either against the sheriff appointing him or against such deputy or jailer.

SEC. 9. Every sheriff shall have power to revoke any deputation by him given, provided such revocation be entered in the book for recording deputations and appointments as aforesaid.

SEC. 10. Any person injured by the breach of any sheriff's bond, may after recovering judgment against the sheriff, his executors or administrators, in an action brought for the default, misfeasance or nonfeasance of such sheriff or his deputy or jailer, cause a suit to be instituted upon such bond, at his own cost, in the name of the general treasurer, to his own use.

SEC. 11. Any person injured by the breach of any deputy sheriff's or jailer's bond, may, if he so elect, after recovering judgment against such deputy, sheriff or jailer, his executors or administrators, for the default, misfeasance or non-feasance of such deputy sheriff or jailer, cause a suit to be instituted upon the bond of such deputy or jailer at his own cost, in the name of the sheriff, to his own use.

SEC. 12. The general treasurer shall deliver an attested copy of any sheriff's bond, and every sheriff, a copy of any deputy sheriff's or jailer's bond, filed in his office, to any person applying and paying for the same; and such copy shall be received as evidence in any case; but if the execution of the bond shall be disputed, the court may order the original to be brought into court by a proper subpœna for that purpose, to be served upon the general treasurer or sheriff.

SEC. 13. In every suit upon such bonds, the declaration shall set forth the condition of the bond, and assign the breach or breaches relied upon in the action, and judgment in such suit shall not be a bar to any other action on such bond assigning other breaches.

SEC. 14. In such suit, if the plaintiff shall recover, judgment shall be rendered in favor of the general treasurer or sheriff, as the case may be, for the use of the person, alleged in the writ and declaration to be injured by the breach or breaches assigned; and such person shall be deemed and taken for all purposes whatsoever to be the plaintiff in the suit.

SEC. 15. If the defendant shall recover judgment for costs, execution shall issue therefor against the person for whose use the suit is brought, and not against the general treasurer or sheriff, and the surety for costs of such person, if any there be, shall be liable for such costs as such sureties are in other cases.

SEC. 16. It shall be the duty of the sheriffs to attend the gen-

eral assembly, and also the supreme court and the courts of common pleas, when holden in their respective counties.

SEC. 17. It shall be the duty of the sheriffs to furnish the general assembly, when sitting in their respective counties, with copies of the laws and other proceedings of the general assembly, which shall, from time to time, be transmitted to them as by law provided; and also to deliver commissions, proclamations, acts and resolves, and all other public acts, to the persons to whom directed in their respective counties; and they shall be allowed for delivering said commissions, proclamations, acts and resolves, and other public acts, the sums herein specified, annually, to wit: the sheriff of Newport, twelve dollars; the sheriff of Providence, twenty-five dollars; the sheriff of Washington, fifteen dollars; the sheriff of Bristol, six dollars; the sheriff of Kent, ten dollars.

SEC. 18. The sheriffs of the several counties shall, annually, on or before the first Monday of January, return to the office of the secretary of state, all civil commissions remaining on hand unclaimed, during the then political year; and in default thereof shall be fined one hundred dollars.

SEC. 19. It shall be the duty of the sheriff of the county of Providence, with so many of his deputies as may be necessary, (at least four,) to attend the celebration of the annual commencement of Brown university, and to preserve peace and good order and decorum during the same.

SEC. 20. The sheriff of every county, by himself or his deputy, shall serve and execute within his county, or wherever he may be authorized by law, all writs and precepts to him directed, issuing from lawful authority.

SEC. 21. All the waters of Narragansett bay, and the lands and rocks therein, situated to the northward of a line drawn from the mouth of Pawtuxet river to Sabin's point, shall be deemed a part of the county of Providence, and be within the jurisdiction of said county; and all the other waters of the said bay shall not be deemed to make part or be within the sole jurisdiction of any one particular county; but it shall be lawful for any sheriff or other officer duly authorized, to serve any writ or other process, whether of a civil or criminal nature, within any part of the waters of said Narragansett bay.

SEC. 22. Every sheriff, deputy sheriff or jailer, in the due execution of his office, is empowered to command all necessary aid and assistance in the execution of his said office; and if any person, when so required, shall refuse or neglect to give such aid and assistance, he shall be fined not exceeding twenty dollars.

SEC. 23. If any sheriff, or deputy sheriff, shall neglect or refuse to serve any process issuing from lawful authority, directed to him to serve and execute, having, in all civil causes, paid or tendered unto him his legal fees, if he demand the same, for serving and executing such process, every such sheriff, or deputy sheriff, shall be liable to the party aggrieved for such damages as he may have sustained by such neglect or refusal.

SEC. 24. In case of the death of any sheriff, his deputy or depu-

ties and jailer shall continue in office, unless removed as herein provided, and shall execute the same in the name of the deceased, until another sheriff shall be appointed and sworn, and have given bond as before prescribed; and the neglect or misfeasance of such deputies and jailer in the mean time, as well as before, shall be a breach of the condition of the bond given as before directed by the sheriff who appointed them.

SEC. 25. The executors or administrators of such deceased sheriff shall have the like remedy for the defaults and misfeasances in office of such deputy or deputies and jailer, during such interval, as the deceased sheriff would have been entitled to if he had continued in life and in the exercise of his office until his successor was appointed and duly qualified.

SEC. 26. Every sheriff whose office shall become vacant by resignation or removal into any other county, shall have power notwithstanding to officiate as such, until his successor shall be duly qualified to act; and his deputies and jailer shall also have power to exercise their respective offices during such period.

SEC. 27. It shall be the duty of the several keepers of jails, to keep a book, in which shall be entered the names of all criminals committed under the laws or authority of the state, the times of their commitment, the times when they were discharged, and the manner in which they were discharged, as well as the circumstances attending their discharge.

SEC. 28. Every person who now is, or hereafter may be, the keeper of any jail, except the jail in the county of Providence, is hereby authorized and required, on his ceasing to hold said office, to deliver to the sheriff of the county in which he is or shall be the keeper of the jail, all books, bonds, notes, obligations and other papers in his possession, pertaining to said office of jailer; and on refusal to deliver the same on demand, shall be fined fifty dollars.

SEC. 29. All books, notes, bonds, obligations and other papers, which sheriffs shall receive pursuant to this chapter, shall by them be delivered over to their respective successors in office, as papers and documents pertaining thereto; and any sheriff refusing to deliver the same on demand shall be fined fifty dollars.

SEC. 30. When any person imprisoned for debt or any other cause shall die in any jail, it shall be the duty of the jailer, after an inquest has been held on the body of such deceased person, to deliver said body to his relations or friends, if they request it; and if no application be made for such body, it shall be the duty of the jailer to bury the same in the common burying-ground; and the expenses thereof shall be paid out of his estate, if any there be; and if none, then by the town in which such person had a legal settlement, if within this state; otherwise the expenses aforesaid shall be paid out of the general treasury.

SEC. 31. The keepers of the jails in the several counties shall, on or before the second day of each term of the supreme court in their respective counties, report to said court in writing the name of every person in custody at the suit of the state; the cause for which he was committed, the time of commitment, and by what

court or magistrate, and, as far as he can ascertain, the time and place of birth, and previous residence of each prisoner, whether married or not, whether he has children or not, and where his family reside.

SEC. 32. Any deputy sheriff or jailer may be removed for misdemeanor in office, by the supreme court, or court of common pleas, sitting in the county to which such officer belongs, upon complaint made.

CHAPTER 174.

OF THE KEEPER OF THE JAIL IN THE COUNTY OF PROVIDENCE.

SECTION

1. Warden of state's prison, *ex officio* keeper of jail in Providence.
2. His bond as keeper.
3. His compensation.
4. Underkeepers and assistants of, how appointed and compensated.
5. Deputy keeper, from whom selected, his powers, and keeper's liability for, and bond from.
6. Duty and liability of keeper as to persons committed to his jail.
7. Duty of, as to persons temporarily committed to his care, for transfer to another county and proceedings in case of.
8. Form of process, &c., in county of Providence, to be varied to meet provisions as to said jail.
9. Fees of keeper and board of prisoners in, to be credited to state.
10. Of judgment and execution on keeper's bond.
11. Action upon, or scire facias on judgment on by individual, how brought, and execution in whose name and to whose use issued.
12. Of duties and liabilities of keeper.
13. Of duty of keeper, upon habeas corpus to bring up prisoner committed to his jail.
14. Keeper, how removable.
15. In case of vacancy in office of, who *ex officio* keeper, and how compensated.
16. Duty of keeper to deliver books and papers to successor, and penalty for neglect of.

SECTION 1. The warden of the state's prison shall be keeper of the jail in the county of Providence, and shall be liable for the safe-keeping of all persons committed to his custody.

SEC. 2. He shall, before entering upon the duties of his office, or that of warden, give bond to the state in the sum of five thousand dollars, distinct from his bond as warden of the state's prison, with sureties satisfactory to the inspectors of the state's prison, for the faithful execution of his office according to law.

SEC. 3. His compensation shall be included in his compensation as warden of the state's prison.

SEC. 4. He may appoint, subject to approval by the inspectors of the state's prison, such, and such number of underkeepers and assistants, either distinct from or being also employed as officers and assistants in the state's prison, and with such compensation, as said inspectors may approve.

SEC. 5. He may select from such underkeepers and assistants, a

deputy keeper of said jail, who, for the time being, shall have all the powers and discharge all the duties of keeper; and the keeper shall be liable for all his acts, and may require from him, bond with sureties, for his indemnity.

SEC. 6. He shall receive into his custody and safely keep in said jail, every person who shall be committed thereto, until he shall be legally discharged therefrom; and the liability of the committing officer shall cease, and the liability of said keeper shall commence, immediately upon the entering and signing of the commitment by the committing officer, in the book of said jail kept for that purpose.

SEC. 7. He shall receive and keep safely all such prisoners as may be temporarily committed to his keeping whilst being transferred from one county to another, under direction of the supreme court. The officer having charge of such prisoners shall certify their commitment and discharge upon the books of said jail, and the warrant of such officer left with the jailer during such prisoner's detention, shall be a sufficient protection to him therefor.

SEC. 8. The form of all process, writs and executions to be served within the county of Providence, shall be so varied by the court or magistrate issuing the same, as to carry into effect all the provisions in relation to said jail.

SEC. 9. All fees that may accrue to the keeper of said jail shall be credited to the state in his account of credits and disbursements, and also the amount of money received for board of persons committed to his charge.

SEC. 10. Upon suits brought for breach of the keeper's bond, judgment shall be rendered for the whole penalty thereof, and execution shall issue for the amount of the special damage sustained, which judgment, in case of other breach or breaches, shall be from time to time revived by writs of scire facias, and execution shall issue for the damages assessed.

SEC. 11. If the original action be brought on said bond, or scire facias be sued out upon the judgment thereon, for the benefit of an individual or corporation, such individual or corporation shall first have the damages ascertained by an action against the keeper of the jail aforesaid; and execution shall issue as aforesaid in the name of the state, for the use of the party in interest; and the name of the party for whose use the original writ or scire facias is brought shall be written thereon.

SEC. 12. In general, all the duties and liabilities incumbent upon jailers in other counties, shall be incumbent upon said keeper, unless otherwise expressly or by necessary implication provided.

SEC. 13. Whenever said keeper shall be ordered by writ of habeas corpus to bring a prisoner confined in said jail before any court, it shall be the duty of said keeper to produce such prisoner before the court issuing such writ, who shall order such prisoner into the custody of the sheriff or other officer attending the said court, and thereupon the custody of said keeper shall cease, until such prisoner shall be again conducted to said jail by order of the court before whom such prisoner shall be brought.

SEC. 14. Said keeper shall be removable by the inspectors of the state's prison at pleasure.

SEC. 15. In case of vacancy in the office of keeper, by death, resignation or otherwise, and until the bond of the new keeper is given, the sheriff of the county of Providence shall be *ex officio* keeper of the jail in the county of Providence, and shall be entitled to receive such compensation as belongs to such office.

SEC. 16. Whenever any person shall cease to hold said office of keeper, he shall deliver to his successor in office, all books, bonds, notes, obligations and other papers in his possession, pertaining to said office, and on refusal to deliver the same on demand, shall be fined fifty dollars.

CHAPTER 175.

OF TOWN SERGEANTS AND CONSTABLES.

SECTION
1. Penalty for refusal to accept office of, how levied and collected, and limitation of obligation to serve in.
2. Of bond of town sergeant and constable.
3. Duty of, as to service of writs and other process.
4. Liability of, in case of neglect to serve process.
5. Power of, to command aid, and penalty for neglect to render it.
6. Bond of, how to be sued.

SECTION 1. Whosoever shall be legally chosen to the office of town sergeant and shall refuse to serve therein shall pay a fine of seven dollars to and for the use of the town, to be levied and collected, upon conviction, by warrant of distress issued by any justice of the peace of such town, said warrant to be directed to the sheriff of the county or his deputy; and no person shall be obliged to serve in said office oftener than once in seven years.

SEC. 2. Each town sergeant shall, at the time of his being sworn into office, give bond with sufficient sureties to the town treasurer in the sum of seven hundred dollars, and each constable in the sum of three hundred dollars, for the faithful performance of the duties of their respective offices.

SEC. 3. Town sergeants and constables may and shall serve and execute, in any town of the county to which they belong, all writs, summons and other processes to them directed, and which by law may or ought to be served and executed by town sergeants and constables, unless otherwise specially provided.

SEC. 4. If any town sergeant or constable shall neglect or refuse to serve any process issuing from lawful authority, directed to him to serve and execute, having, in all civil cases, paid or tendered unto him his legal fees, if he demand the same, for serving and executing such process, every such town sergeant or constable shall

be liable to the party aggrieved for such damages as he may have sustained by such neglect or refusal.

SEC. 5. Every town sergeant and constable in the due execution of his office, is empowered to command all necessary aid and assistance in the execution of his said office; and if any person, when so required, shall refuse or neglect to give such aid and assistance, he shall be fined not exceeding twenty dollars.

SEC. 6. Any person injured by the breach of any town sergeant's or constable's bond, may commence an action thereon in the name of the town treasurer of the town, for his own use, under like circumstances, and in the same manner, and subject to the same provisions, as he might do in the name of the general treasurer upon a bond given by the sheriff, if he were injured by the breach thereof.

TITLE XXVI.

Of Actions and Process.

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CHAPTER 177. Of the limitation of actions.
CHAPTER 178. Of the forms of writs.
CHAPTER 179. Of the plaintiff's surety and the service of writs.
CHAPTER 180. Of arrests and taking bail.
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CHAPTER 176.

OF ACTIONS.

SECTION
1. Suits in law and equity concerning real property, in what county brought.
2. Other actions, in what county.
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4 and 5. Transitory actions by or against corporations, where.
6. Actions on note assigned or indorsed against promisor, where.
7. Effect of bringing actions in wrong county.
8. Promise, when to be in writing to maintain action.

SECTION
9. Action against Indian tribe or member of.
10. Actions and causes of, which survive death of plaintiff or defendant.
11. Actions surviving, by whom prosecuted and defended.
12. Of rule of damages in such actions.
13. Actions of ejectment to survive, and by whom prosecuted and defended.
14. Effect of judgment in, upon title to real estate.
15. Claims for highway damages, and appeals in, to survive, and how to be prosecuted.
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SECTION
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18. Action for, by person interested in life.
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20. Criminal proceedings, not necessary to.
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22. Form of action for injury caused by crime.
23. Criminal proceedings when necessary to action.
24. Representatives of joint obligor, when suable.
25. Judgment against part only of joint contractors, when bar to future action on contract.
26. Liability of innkeepers in certain cases.

SECTION 1. All actions and suits, as well at law as in equity, which concern the realty or any right, easement or interest therein, or the possession thereof, all actions of trespass for the breaking and entering the close of any plaintiff, and all other actions in which title to real estate may be tried and determined, shall be brought in the county in which the land lies.

SEC. 2. All other actions and suits shall be brought either in the county where the plaintiff or defendant, or some one of the parties plaintiff or defendant shall dwell, or in the county in which the defendant, or some one of the parties defendant shall be found.

SEC. 3. If no one of the parties plaintiff or defendant shall dwell in this state, such personal or transitory action may be brought in any county.

SEC. 4. Personal or transitory actions brought by or against corporations, shall be brought either in the county in which the other party, or some one of the other parties dwells, or in which the corporation is located by its charter, or if not located by its charter, in which the annual meetings of the corporation are required to be, or, if not required to be, are actually holden.

SEC. 5. If no one of the parties plaintiff or defendant dwells within the state, and the corporation be established out of this state, such personal or transitory action by or against it, may be brought in any county.

SEC. 6. All actions brought on any promissory note in the name of the assignee or indorsee, against the original promisor, shall be brought in the same county in which the action ought by law to be brought if no assignment or indorsement of such note had been made.

SEC. 7. All actions brought in other counties than is provided by the preceding sections of this chapter shall be abated.

SEC. 8. No action shall be brought—

First. Whereby to charge any person upon any contract for the

sale of lands, tenements or hereditaments, or the making of any lease thereof for a longer time that one year;

Second. Whereby to charge any person upon any agreement made upon consideration of marriage;

Third. Whereby to charge any executor or administrator upon his special promise to answer any debt or damage out of his own estate;

Fourth. Whereby to charge any person upon his special promise to answer for the debt, default or miscarriage of another person;

Fifth. Whereby to charge any person upon any agreement which is not to be performed within the space of one year from the making thereof;—

Unless the promise or agreement upon which such action shall be brought, or some note or memorandum thereof, shall be in writing, and signed by the party to be charged therewith, or by some other person by him thereunto lawfully authorized.

SEC. 9. No action shall be brought against the Indian tribe of this state, or any member thereof resident in the town of Charlestown, for the recovery of debt; but the court or justice before whom such action shall be brought, or may be pending, shall, in any stage thereof, dismiss the same with double costs against the plaintiff.

SEC. 10. In addition to the causes of action and actions which survive at common law the death of the plaintiff or defendant therein, the following causes of action and actions shall also survive:—

First. Causes of action and actions of waste;

Second. Causes of action and actions of replevin and trover;

Third. Causes of action and actions of trespass and trespass on the case for damages to the person, or to real and personal estate.

SEC. 11. All the causes of action and actions as well as appeals therein in the next preceding section mentioned, may be originally brought and prosecuted by and against executors and administrators; appeals at any time during the term of the court to which the appeal is given, which shall commence next after the lapse of a month from the death of the testator or intestate, and if prosecuted or brought by the testator or intestate in his lifetime, may be prosecuted against or defended by his executors or administrators.

SEC. 12. Whenever any of said causes of action or actions are prosecuted or brought against the executor or administrator of the party originally liable, the plaintiff shall be entitled to recover only the value of the goods taken, or the damage actually sustained, without any vindictive or exemplary damages, or damages for any alleged outrage to the feelings of the injured party.

SEC. 13. Actions of ejectment shall survive the death of the plaintiff or plaintiffs, defendant or defendants, or any of them, and may be prosecuted or defended by the heir, devisee, executor or administrator of the deceased party, as the right may descend or vest.

SEC. 14. In no case shall the title to real estate be settled or affected, except so far as relates to the case on trial, if, and so far as, the same shall be prosecuted or defended by an executor or administrator.

SEC. 15. Claims for damages on account of the laying out of highways through lands of the claimants, and appeals from proceedings laying out highways shall survive the death of the claimant or appellant; and the executor, administrator, heir or devisee of the claimant or appellant may jointly or severally, according to their interest, prosecute such claim or appeal in any stage of the proceedings in case of an appeal, giving bond, filing reasons of appeal, and entering the same at any time during the term of the court of common pleas in the same county next after the final action of the town council on the report of laying out, or next after a month succeeding the death of the claimant or appellant, whichever may last happen.

SEC. 16. If the life of any person, being a passenger in any stage-coach, or other conveyance, when used by common carriers, or the life of any person, whether a passenger or not, in the care of proprietors of, or common carriers by means of, railroad or steamboats, or the life of any person crossing upon a public highway with reasonable care, shall be lost by reason of the negligence or carelessness of such common carriers, proprietor or proprietors, or by the unfitness or negligence or carelessness of their servants or agents, in this state, such common carriers, proprietor or proprietors, shall be liable to damages for the injury caused by the loss of life of such person, to be recovered by action on the case, for the benefit of the husband or widow and next of kin of the deceased person, one moiety thereof to go to the husband or widow, and the other to the children of the deceased.

SEC. 17. If in such case there shall be no children, the whole of such damages shall go to the husband or widow; and if no husband or widow, to the next of kin, according to the law of this state regulating the distribution of intestate personal estate amongst the next of kin.

SEC. 18. In addition to such action in favor of the widow and kindred of the deceased, a like action may be maintained for damages for such loss of life, by any person having a direct pecuniary interest in the continuance of the life of such deceased person.

SEC. 19. Actions for the benefit of the widow and next of kin of such passenger or person, may, in all cases be brought by the executor or administrator of the deceased, whether such executor or administrator be appointed and qualified as such within or without this state; but where there is a widow only, she may, at her option, sue in her own name.

SEC. 20. To maintain such actions it shall not be necessary first to institute criminal proceedings against the defendants.

SEC. 21. In all cases in which the death of any person ensues from injury inflicted by the wrongful act of another, and in which an action for damages might have been maintained at the common

law had death not ensued, the person inflicting such injury shall be liable to an action for damages for the injury caused by the death of such person, to be recovered by action of the case for the use of his or her husband, widow, children, or next of kin, in like manner and with like effect, as in the preceding five sections provided.

SEC. 22. Whenever any person shall suffer any injury to his person, reputation or estate, by the commission of any crime or offence, he may recover his damages for such injury, either in an action of trespass or in an action on the case, against the offender.

SEC. 23. No such action except as provided in the five sections preceding the last, shall be commenced for such injury until after complaint has been made to some proper magistrate for such crime or offence, and process issued thereon against the offender, excepting only those cases in which such actions may now be maintained at common law; and whenever any person shall be convicted of larceny, he shall be liable to the owner or owners of the money or articles taken, for twofold the value thereof, unless the same be restored, and one fold the value thereof in case of restoration, to be recovered by civil action.

SEC. 24. The representatives of one jointly bound with another for the payment of any debt, or for performance or forbearance of any act, or for any other thing, and dying in the lifetime of the latter, may be charged by virtue of such obligation in the same manner as such representative might have been charged, if the obligors had been bound severally as well as jointly: *Provided*, that the plaintiff shall first pursue the surviving debtor to final judgment and execution.

SEC. 25. No judgment rendered against a part only of the defendants in an action upon a joint contract, shall be a bar to any future action on said contract against such of the defendants upon whom or whose estate the writ in the original action may not have been served.

SEC. 26. Any innkeeper who shall provide a suitable safe in his house for the safe-keeping of any money, jewels or ornaments belonging to his guests, and shall notify them thereof by posting a printed notice conspicuously in the rooms, that such safe has been provided for said purpose, shall not be liable for the loss of any money, jewels or ornaments, by theft or otherwise, which any guest who has neglected to deposit the same in such safe may sustain.

CHAPTER 177.

OF THE LIMITATION OF ACTIONS.

SECTION
1. Actions of slander, how limited.
2. Of trespass, how.
3. Of account, of the case, of debt, except in certain cases, of detinue and replevin, how.
4. Of debt on specialty and of covenant, how.
5. Saving in favor of residents against absent residents.
6. General saving.
7. Time extended by death of parties, when.
8. Time extended by abatement of action, or arrest of judgment.
9. Action against executor and administrator, how limited.
10. Action against heir or devisee for debt of ancestor or devisee, how.
11. Special limitations saved.

SECTION 1. Actions upon the case for words spoken shall be commenced and sued within two years next after the words spoken, and not after.

SEC. 2. Actions of trespass shall be commenced and sued within four years next after the cause of action shall accrue, and not after.

SEC. 3. All actions of account, except on such accounts as concern trade or merchandise between merchant and merchant, their factors and servants, all actions of the case, except for words spoken, all actions of debt founded upon any contract without specialty, or brought for arrearages of rents, and all actions of detinue and replevin, shall be commenced and sued within six years next after the cause of such action shall accrue, and not after.

SEC. 4. All actions of debt other than those in the next preceding section specified, and all actions of covenant shall be commenced and sued within twenty years next after the cause of action shall accrue, and not after.

SEC. 5. If any person, a resident of this state, against whom there is or shall be cause for any action hereinbefore enumerated, in favor of a resident therein, shall, at the time such cause accrue, be without the limits of this state, or being within said state at the time such cause accrue, shall go out of said state before said action shall be barred by the provisions of this chapter, and shall not have or leave property or estate therein that can, by the common and ordinary process of law, be attached, then the person entitled to such action may commence the same, within the time before limited after such person shall return into this state in such manner that an action may, with reasonable diligence, be commenced against him by the person entitled to the same.

SEC. 6. If any person at the time any such action shall accrue to him, shall be within the age of twenty-one years, feme covert, non compos mentis, imprisoned, or beyond the limits of the United

States, such person may bring the same, within such time as is hereinbefore limited, after such impediment is removed.

SEC. 7. If any person, for or against whom any of said actions shall accrue, shall die before the time limited for bringing the same, or within sixty days after the expiration of said time, and the cause of said action shall survive, such action may be commenced by or against the executor or administrator of the deceased person, as the case may be, at any time within one year after the granting of letters testamentary or of administration, and not afterwards, if barred by the provisions of this chapter.

SEC. 8. If any action duly commenced within the time limited and allowed therefor, in and by this chapter, shall be abated or otherwise avoided or defeated by the death of any party thereto, or for any matter, or if after verdict for the plaintiff, the judgment shall be arrested, the plaintiff may commence a new action for the same cause, at any time within one year after the abatement or other determination of the original suit as aforesaid; and if the cause of action does by law survive, his executor or administrator may, in case of his death, commence said new action within the said one year.

SEC. 9. No action shall be brought against any executor or administrator in his said capacity, within one year after the will shall be proved or administration granted; except for medicines and attendance in the last sickness, and funeral charges of the deceased, and excepting also actions brought in pursuance of the seventh section of this chapter; nor shall any action be brought against any executor or administrator in his said capacity, unless the same shall be commenced within three years next after the will shall be proved or administration shall be granted: *Provided*, such executor or administrator shall give notice of his appointment, by publishing the same in some public newspaper in this state, nearest to the place in which the deceased person last dwelt, and in such other manner as the court of probate shall direct; said periods to be reckoned from the time of giving such notice.

SEC. 10. No action shall be brought against any heir or devisee of a deceased person, for the payment of the debts of the ancestor, or testator within three years next after administration granted or probate of the will made.

SEC. 11. The provisions of this chapter shall not apply to any case in which, by special provision, a different time is limited.

CHAPTER 178.

OF THE FORMS OF WRITS.

SECTION
1. Writs of supreme court and court of common pleas, in what name issued, and how sealed and signed.
2. How tested.
3. How to run.
4. Justice's writ, in what name issued, how signed and sealed, when returnable, how directed and what to contain.
5. Form of writ of arrest of supreme court and court of common pleas.
6. Form of writ of summons.
7. Form of justice's writ of arrest.
SECTION
8. Form of writ of replevin.
9 and 10. Form of writ of scire facias.
11. Form of writ to attach real estate.
12. Form of writ against a female on simple contract, and how may be served.
13. Power to combine forms of writs where two or more defendants.
14. Forms of writ where none herein prescribed.
15. Writ how to issue where name of defendant unknown.

SECTION 1. All original writs, and writs of mesne process issued by the supreme court, or by the court of common pleas, shall issue in the name of the state of Rhode Island and Providence Plantations; shall be under the seal of the court from which they issue, and shall be signed by the clerk of the court; but if the clerk be a party to the suit, by some one of the justices of the supreme court.

SEC. 2. They shall bear teste of the chief justice of the supreme court, but in case the office of chief justice be vacant, or the chief justice be a party to the suit, of the senior or presiding justice of the supreme court, not a party.

SEC. 3. They shall run throughout the state, and shall be directed to the sheriffs of all the counties in the state, or their deputies; but, if the sheriff of any county be a party to the suit, the process, if to be served in that county, shall in addition to the former direction, be directed to the town sergeants in the county, and may be served by any one of them, not a party thereto.

SEC. 4. Writs issued by justices of the peace, or by magistrates or courts exercising the jurisdiction of justices of the peace, shall also issue in the name of the state of Rhode Island and Providence Plantations, shall be under the hand and seal of such justice, magistrate or court, shall be made returnable before such justice, magistrate or court, at a day, hour and place named therein, and shall be directed to the sheriff, his deputy, or to either of the town sergeants, or constables of the county in which the suit shall be brought; and every such original writ shall contain the plaintiff's declaration at length.

SEC. 5. The forms of the original writs to be used in the several courts of this state, shall be substantially as follows, to wit:—

Writ of arrest.

The state of Rhode Island and Providence Plantations.

[SEAL] SC. — *To the sheriffs of our several counties or to their deputies greeting:* —

We command you to arrest the body of (if may be found in your precinct,) and for want of body to attach goods and chattels to the value of dollars, and or those in safe custody keep, to answer the complaint of at the next court to be holden at within and for our said county of on the Monday of next ensuing the date hereof, in an action of as by declaration to be filed in court will be fully set forth: to the damage of the plaintiff dollars. Hereof fail not, and make true return of this writ with your doings thereon. Witness, Esq. at this day of in the year . Clerk.

SEC. 6. *Writ of summons.*

The state of Rhode Island and Providence Plantations.

[SEAL] SC. — *To the sheriffs of our several counties or to their deputies greeting:* —

We command you to summon (if may be found in your precinct,) to answer the complaint of at the next court to be holden at within and for our said county of on the Monday of next ensuing the date hereof, in an action of as by declaration to be filed in court will be fully set forth: to the damage of the plaintiff dollars. Hereof fail not, and make true return of this writ with your doings thereon. Witness, Esq. at this day of in the year . Clerk.

SEC. 7. *Writ of arrest to be issued by a justice of the peace.*

[SEAL] SC. — *To the sheriff, his deputy, or to either of the town sergeants or constables in the county of greeting:* —

You are hereby, in the name of the state of Rhode Island and Providence Plantations, required to arrest the body of (if may be found in your precinct,) and for want of body to attach goods and chattels, to answer the complaint of at a justices' court to be holden at in on the day of at o'clock in the noon, in an action of to the damage of the plaintiff (as says) dollars. Hereof fail not, and make true return of this writ with your doings thereon.

Given under my hand and seal, at aforesaid, the day of in the year .

Justice of the Peace.

SEC. 8. *Writ of replevin.*

The state of Rhode Island and Providence Plantations.

[SEAL.] SC. *To the sheriffs of our several counties and to their deputies, greeting:* —

We command you, that you replevy, if to be found within your precinct, the goods and chattels following, viz.: (here enumerate and particularly describe them) belonging to of now taken (detained or attached as the case may be) by of at in the county of and them deliver unto the said provided the same are not taken, attached or detained upon mesne process, warrant of distress, or upon execution as the property of the said and summon the said that he appear before our court next to be holden at within and for the county of on the Monday of to answer unto the said in a plea of replevin; that the said on the day of at said unlawfully, and without justifiable cause, took the goods and chattels of the said as aforesaid, and them unlawfully detained unto this day, (or unlawfully detained the goods and chattels aforesaid, as the case may be,) to the damage of the said as he says, dollars. Hereof fail not, and make true return of this writ with your doings thereon, together with the bond you shall take of the plaintiff.

Witness, Esq., at this day of in the year
Clerk.

SEC. 9. *Scire facias.*

The state of Rhode Island and Providence Plantations.

[SEAL.] SC. *To the sheriffs of our several counties, and to their deputies, greeting:* —

Whereas, of by the consideration of the court holden at in said county, on the day of recovered judgment against of for the sum of dollars and cents, and costs taxed at as appears of record, and execution thereof remains to be done: —

We command you therefore to summon the said to appear before the court to be holden at in said county of on the day of to show cause if any he hath, wherefore, the said should not have execution against for the sums aforesaid. Hereof fail not, and make true return of this writ with your doings thereon.

Witness, Esq., at this day of in the year
Clerk.

SEC. 10. The form of a writ of scire facias may be varied from the above to adapt it to service by arrest or attachment.

SEC. 11. An original writ issued by the supreme court or court of common pleas against a person whose body or personal estate cannot be found within this state, may be altered by inserting the words "or real estate," next after the words "goods and chattels," in order to attach the real estate of the defendant.

SEC. 12. Every original writ issued against a female, founded on a contract not under seal, shall be a writ of summons and not a writ of arrest; and in such case, if the female be not found within this state, her real estate liable to attachment, may be attached by a writ of summons altered, by inserting after the words "if to be found in your precinct," the words "and if not to be found, to attach her goods and chattels or real estate to the value of dollars, and them in safe custody keep, &c."

SEC. 13. Whenever an original writ shall issue against more than one defendant, the forms hereinbefore given, may be altered so as to combine both the writ of arrest and the writ of summons; in order that the same may be served on one or more of the defendants by a writ of summons, and on the other or others, by attachment of real or personal estate.

SEC. 14. In cases where no form of process is prescribed by law, such process shall be made conformable to the forms prescribed in this chapter, so far as the nature of the case will admit.

SEC. 15. When the name of any defendant or respondent is not known to the plaintiff, the writ may issue against him by a fictitious name, or by such description as the plaintiff or complainant may select, and if duly served it shall not be abated for that cause, but may be amended with or without terms, as the court may order.

CHAPTER 179.

OF THE PLAINTIFF'S SURETY, AND THE SERVICE OF WRITS.

SECTION
1. Writs, when to be indorsed.
2. New indorser, when may be required.
3. Liability of indorser for costs, and limitation of.
4. Writs of supreme court and court of common pleas, when to be served and when returnable.
5. Of service on Sunday.
6. Writ of summons, how served.
7. Writ of summons against a corporation, how.
8. Writs of scire facias, how.

SECTION 1. All original writs in which the plaintiff is not an inhabitant of this state, shall, before the service of such writ, be indorsed by some sufficient person who is an inhabitant of this state; or the plaintiff may be required, at the first term of the court, to give such indorser.

SEC. 2. In any case, the court, justice of the peace or other magistrate before whom the same is pending, may, upon motion of any defendant, and for cause shown, require the plaintiff to procure another or a sufficient indorser; and upon his neglecting to comply with such order, the case shall be dismissed, with costs for the defendant.

SEC. 3. Every such indorser shall be liable, in case the plaintiff make not his plea good, to pay all costs that shall be awarded against the plaintiff: *Provided*, suit be brought therefor within one year after final judgment in such suit.

SEC. 4. All original writs and writs of mesne process for bringing any civil cause or writ to a trial, at any term of the supreme court or of any court of common pleas, except a special court of common pleas, shall be returnable to the term of such court which will commence next after twenty days or more from the date thereof; and shall be served twenty days before the return day thereof, except in those cases in which special provision shall be made to the contrary.

SEC. 5. No civil process whatsoever shall be served on Sunday; but every such service shall be utterly void.

SEC. 6. An original summons shall be served by reading the same to the person to be summoned, or by leaving an attested copy thereof with him, or at his last and usual place of abode, by the officer to whom the same shall be directed.

SEC. 7. Writs of summons issued against any company incorporated in this state, shall be served by leaving an attested copy thereof, if a bank, with the cashier thereof, if an insurance company, with the president or secretary thereof, and if any other corporate body, with the treasurer or person executing the duties of treasurer thereof, and in such other mode as by the charter of such corporation or by law may be provided.

SEC. 8. Writs of scire facias may be served by summons, arrest or attachment; but no attachment of real or personal estate, or by garnishee process, shall be made thereon, except in cases by law provided for such attachment on writs of arrest.

CHAPTER 180.

OF ARRESTS AND TAKING BAIL.

SECTION

1. Females not subject to arrest, when.
2. Voters exempted, when.
3. Military officers and privates, when.
4. Right to be let to bail, what.
5 and 6. Bail, how taken.
7. Bail of persons committed on mesne process out of county of Providence, how taken.
8 and 9. Bail of such persons committed to jail in Providence, when and how.

SECTION 1. No female shall be arrested on original writ in any action founded on contract not under seal.

SEC. 2. No person entitled to vote shall be liable to arrest upon any civil process on the days of election for the choice of city or town officers, of state officers, representatives to congress, or of electors of president and vice-president of the United States, or on the day preceding or on the day following such election.

SEC. 3. No officer, non-commissioned officer or private shall be arrested on civil process, while going to or coming from, or remaining at any place which he shall have been ordered to attend, for the election of any military officer, or the performance of any military duty.

SEC. 4. Every sheriff, deputy sheriff, town sergeant and constable, who shall arrest any person by virtue of any writ or mesne process in a civil action, shall let the person so arrested to bail, upon his giving sufficient surety for his appearance at the court to which such writ or process shall be returnable, and to abide the final judgment which shall be rendered thereon.

SEC. 5. He who becomes bail for any person shall give bond to the sheriff, if the writ or process shall be served by the sheriff or his deputy; and if the writ or process shall be served by a town sergeant or constable, the bail bond in such case shall be given to the officer serving the same.

SEC. 6. Instead of giving bond as aforesaid the person becoming bail may indorse his christian and surname on the back of the writ or process which shall hold him as bail to the same extent as if he had executed and delivered a formal bail bond.

SEC. 7. Any person committed to jail in any county, except the county of Providence, by virtue of an arrest on any writ or mesne process in any civil action, or by surrender of former bail in the same action, shall be let to bail or to new bail, as the case may be, in manner before provided, at any time before the rendering of final judgment on the original writ on which the arrest was made.

SEC. 8. Any person committed to jail in the county of Providence, on any writ or mesne process in any civil action, or by surrender of former bail in the same action, may be let to bail or to new bail, as the case may be, by the keeper of said jail, or by the officer who served the process, at any time before final judgment shall be rendered on the writ on which the arrest was made, upon his giving sufficient surety for his appearance at the court to which such writ is returned, and to abide the final judgment which shall be rendered thereon.

SEC. 9. In case bail be taken by said keeper, the person becoming bail shall give bond to the keeper in a penal sum equal to the damages laid in said writ; but if bail be taken by the officer who served said writ, the person becoming bail may give such bond to the officer, or may indorse his christian and surname on the back of said writ or process, which shall hold him as bail, as in other cases.

CHAPTER 181.

OF ATTACHMENTS.

SECTION
1. Property in general attachable.
2. Property exempted from attachment.
3. Duty of officer charged with writ of arrest.
4. When and to what amount may attach on writ.
5. Effect of attachment, and notice to defendant of.
6. Duty of officer to keep goods attached, and for what purpose.
7. Live animals and perishable goods attached, how may be disposed of.
8. Of notice of sale of, and of disposition of proceeds of.
9. Warrants of distress how to be served.
10. Personal estate mortgaged, when and how attachable.
11. How and when may be sold.
12. Proceeds of sale of, how to be applied.
13. Of plaintiff's right to redeem.
14. Attachment of, when void.
15. Officer, when to attach real estate.
16. Defendant, how to be notified of.
17. Effect of officer's return, in case of.
18. Real estate and corporate stock attached, when to be levied.
19. Order of satisfaction, in case of attachments.
20. Time of attachment, to be set forth in return.

SECTION 1. All property, real and personal, which is liable to be taken in execution, may be attached and held as security for the judgment which the plaintiff may recover, in the manner and under the circumstances hereinafter set forth.

SEC. 2. The following goods and property shall be exempted from attachment and execution on any warrant of distress, or any other writ original or judicial: —

1. The necessary wearing apparel of a debtor, or of his family, if he have a family;

2. The working tools of a debtor necessary in his or her usual occupation, not exceeding in value the sum of fifty dollars;

3. The household furniture and family stores of a housekeeper, in the whole, including beds and bedding, not exceeding in value the sum of two hundred dollars;

4. The bibles and school-books in use in the family;

5. One cow, and one and a half tons of hay, of a housekeeper;

6. One hog and one pig, and the pork of the same, when slaughtered, of a housekeeper.

7. The uniform, arms, ammunition and equipments of every officer, non-commissioned officer and private in the militia;

8. The debtor's interest in one pew, in any church or meeting-house, in which he or his family usually worship;

9. The debtor's interest in one lot, or right of burial, as the case may be, in any cemetery;

10. Mariners' wages, until after the termination of the voyage in which such wages shall have been earned;

11. Debts secured by bills of exchange or negotiable promissory notes;

12. Such other property, real, personal, or mixed, in possession

or action, as is or shall be exempted from attachment and execution, either permanently or temporarily, by general or special acts, charters of incorporation, or by the policy of the law.

SEC. 3. Whenever a writ of arrest, or other writ authorizing an arrest, shall be delivered to an officer for service, he shall use his best endeavors to arrest the body of the defendant.

SEC. 4. If in such case the officer cannot find the body of the defendant within his precinct, or, in case the writ lawfully orders an attachment of the goods and chattels of the defendant in the first instance, he shall attach his goods and chattels, to the value commanded in the writ, if so much can be found, and may attach any less value if the plaintiff or his attorney shall give order therefor on the back of such writ.

SEC. 5. When any attachment is made in manner aforesaid, the same shall be sufficient to bring the cause to trial; and the officer who shall make any attachment as aforesaid, shall immediately after, leave an attested copy of such writ, with a copy of his doings thereon, at the defendant's usual place of abode, if any he have in the precinct of the officer, with some person there, and otherwise with the person in the possession of the property, that the defendant may have knowledge of the suit.

SEC. 6. When any officer shall attach any goods or chattels on original writ, he shall keep the same in his hands, as security to satisfy such judgment as the plaintiff may recover.

SEC. 7. When any officer shall attach on original writ any live animals, or any goods or chattels which are liable to perish or waste, or to be greatly reduced in value by keeping, or which cannot be kept without great and disproportionate expense, the court in which the same may be pending, in term time, or either of the justices of the supreme court, in vacation, may, on the written application of any person interested in such property, cause the defendant and the attaching creditor, their attorneys or agents, to be notified to appear at a time and place appointed for that purpose, to show cause why the same should not be sold.

SEC. 8. If, after reasonable notice, no person appear, or no sufficient cause to the contrary be shown, the court or justice may direct the officer to sell the same, in the manner prescribed by law for selling goods and chattels on execution; and such officer shall hold the proceeds of such sales, after deducting therefrom the necessary charges thereof, as security to satisfy such judgment as the attaching creditor may recover, in the same manner as if he held the property itself.

SEC. 9. In case any officer for taxes, or by any warrant of distress whatsoever, shall distrain the goods and chattels of any person, he shall proceed in the same manner, and be holden to the same rules as hereinbefore directed in attachments in civil actions.

SEC. 10. Personal estate, when mortgaged and in the possession of the mortgagor, and while the same is redeemable at law or in equity, may be attached on mesne process against the mortgagor in the same manner as his other personal estate.

SEC. 11. When attached, such mortgaged estate may be sold, upon the application of the mortgagee, or of either of the parties to the suit, in the manner provided for the sale of perishable goods and chattels when attached on mesne process.

SEC. 12. Upon any such sale, the attaching officer shall first apply so much of the proceeds of the sale as may be necessary to pay the amount for which the said property was mortgaged, with such deduction for interest for the anticipated payment or allowance for damages for such anticipated payment, as may be allowed by the court or judge directing the sale; and the officer shall hold only the balance, for the purposes of the attachment.

SEC. 13. The plaintiff in any such attachment may redeem the mortgaged estate in the same manner as the mortgagor might have done; and in case of such redemption, the plaintiff shall have the same lien on the property for the amount paid by him, with interest, as the mortgagee had.

SEC. 14. If the mortgage be not redeemed by the plaintiff, or sold as before mentioned, before the time of redemption expires, the attachment shall become void.

SEC. 15. The officer to whom a writ may be delivered for service, with the words "or real estate" added in the writ next after the words "goods and chattels," shall, in case the body or personal estate of the debtor cannot be found in this state, or, in case the goods and chattels or real estate of the defendant are lawfully ordered to be attached in the first instance, attach the real estate of the defendant in the same manner as is directed by law for attaching personal estate.

SEC. 16. The officer attaching any real estate as aforesaid, shall leave a copy of the writ by which the same shall be attached, and of his doings thereon, with the person in possession, and also with the town clerk of the town in which said real estate lies; but if no person be in possession, then the officer shall set up notifications thereof in three public places in the town where such real estate lies.

SEC. 17. The return of any officer that the body of the defendant named in any writ of arrest, served by the attachment of goods and chattels or real estate, cannot be found within his precinct, or within this state, shall be primâ facie evidence only, of such fact; which return may be rebutted by other evidence on issue joined upon such fact, in the suit in which such attachment shall be made: *Provided*, that such fact shall be deemed and taken to be conclusively proved by a judgment for the plaintiff in said suit, whether the same shall be put in issue therein, or not.

SEC. 18. Whenever final judgment shall be rendered for the plaintiff in any suit in which the writ was served by attachment of real estate, or goods and chattels, or stock or shares in any incorporated company, the execution issued on such judgment at the same term such judgment was returned, shall be levied on the property so attached, as soon as may be; but if the same shall not be so levied before the return day thereof, the property attached shall be discharged of such attachment.

SEC. 19. In all attachments of real estate, or goods and chattels, stock or shares in any incorporated company, and in all foreign attachments, he who first procures any such attachments to be made for any just debt or damages, shall be entitled to have his said debt or damages satisfied before any other demand for which the same may be attached, or taken by execution, at the suit of any other person; and all others in order of attachment.

SEC. 20. The officer who shall make any such attachment, shall, in his return, set forth the time of the day when such attachment was made, to the end that the priority of attachment may be known.

CHAPTER 182.

OF THE ATTACHMENT OF PROPERTY OF FOREIGN CORPORATIONS AND OF CORPORATE STOCK.

SECTION
1. Property of foreign corporations attachable.
2. How, to be attached.
3 and 4. Notice of, how to be given.
5. Corporate stock, belonging to foreign corporations or absent or concealed persons, attachable.
6 and 7. Attachment of, how made.
8. Corporation served with writ in, how to answer.
9. Saving of corporation's lien from.

SECTION 1. When any incorporated company established without this state shall be indebted or liable to any person, the personal and real estate of such company within this state shall be liable to be attached and held to answer any just debt, claim or demand.

SEC. 2. The writ, for such purpose, shall command the officers to whom it is directed, to attach the goods and chattels or real estate of such corporation, to the amount named in such writ; and to summon said corporation to appear at the proper court, by leaving a copy of the summons with any known agent of the corporation in this state.

SEC. 3. Upon making such attachment, the officer shall leave an attested copy of such writ, with the person in possession of such goods and chattels or real estate, if any person be in possession; and if real estate be attached, he shall also leave an attested copy with the town clerk of the town in which the real estate is situated.

SEC. 4. If there be no agent or attorney of such corporation within this state known to such officer, upon whom such summons can be served, he shall publish a notification of such attachment for the space of two weeks, once a week in some newspaper printed in the town nearest the place where the real or personal estate may be situated, and state all the facts in his return, to the end that the court may order further notice if they shall deem the same necessary.

SEC. 5. The stock or shares of any body corporate established out of this state, and the stock or shares of any person who shall reside or be absent out of this state or shall conceal himself therein, in any bank, insurance company or other incorporated company within this state, shall be liable to be attached to answer any just debt, claim or demand.

SEC. 6. Upon the back of the writ sued out for the purpose of such attachment, the plaintiff or his attorney shall direct the officer who may be charged with the service thereof, to attach the defendant's stock or shares in such incorporated company.

SEC. 7. The leaving an attested copy of such writ, with a copy of the plaintiff's direction thereon, if a bank, with the cashier thereof, if an insurance company, with the president or secretary thereof, and if any other corporate body with the treasurer thereof or person executing the duties of treasurer, shall be sufficient to attach such defendant's stock or shares in said company, and the same shall be held to answer the said debt, claim or demand.

SEC. 8. Whenever any incorporated company as aforesaid shall be served with a copy of such writ as aforesaid, it shall be the duty, if a bank, of the cashier thereof, if an insurance company, of the president or secretary thereof, and if any other corporate body, of the treasurer thereof or person executing the duties of treasurer, to render an account, upon oath, to the court to which said writ shall be returnable, of what stock or shares the defendant had in said company at the time of the service of such writ, as aforesaid; and the said cashier, or president, or secretary, or treasurer, or person executing the duties of treasurer as aforesaid, may be compelled to testify like witnesses in other cases.

SEC. 9. Nothing herein contained shall be construed to destroy or impair any lien or claim of any person or body corporate upon any stock or shares attached under the provisions of this chapter.

CHAPTER 183.

OF FOREIGN ATTACHMENT.

SECTION
1. Who and what liable to.
2. Service in, how made.
3. Person served, how to account.
4. Oath of, before whom made.
5. Plaintiff, when to be notified of garnishee's taking oath.
6. Corporation served, how to account.
7. Remedy against garnishee admitting property.
8. Remedy in case of several garnishees.
9. Right of garnishee to satisfy judgment.
10. Right of garnishee to deliver specific articles.
11. Effect of such delivery.
12. Consequences of garnishee's neglect to account.
13. Action, how brought, if several garnishees neglect.
14. Right of garnishee to answer suit in which he is served.

SECTION
15. Consequences, if garnishee's account shows no property.
16. Of garnishee's costs.
17. Proceedings in foreign attachment in justices' courts.

SECTION 1. When any person shall reside or be absent out of this state, or shall conceal himself therein so that his body cannot be arrested, or shall not be liable to arrest by reason of having taken the poor debtor's oath, or of having obtained his discharge as an insolvent, and when any incorporated company established out of this state, shall be indebted or liable to any person, then the personal estate of such person or foreign corporation, lodged or lying in the hands of their attorney, agent, factor, trustee, or debtor, shall be liable to be attached, the plaintiff giving special order therefor on the back of his writ, to answer any just debt or demand.

SEC. 2. The serving of any person or body corporate, or any member of any firm or copartnership, who have such personal estate in their hands, with an attested copy of a writ taken out against such person or foreign corporation, shall be a good service of the writ, for the purpose of such attachment; said copy, in case of a corporation, to be left with the officer or person hereinafter required to make oath relative to the personal estate designed to be attached thereby.

SEC. 3. The person, corporation, firm or copartnership so served with a copy, shall be obliged to render an account upon oath, of what estate they had of the defendant in their hands at the time such writ was served, if any, or otherwise to make oath that they had not, directly or indirectly, any such estate in their hands.

SEC. 4. Such oath shall be made before the court to which such writ shall be brought, or before any justice of the supreme court, and be filed in the clerk's office in the county where the action shall be brought, before the sitting of the court.

SEC. 5. If the oath be made out of court, the plaintiff or his attorney shall be first notified by such justice of the time and place of taking the same; and in all cases, the person so making oath shall be subject to examination by either party to the suit.

SEC. 6. When a body corporate shall be served with a copy of a writ as aforesaid, it shall be the duty, if a bank, of the cashier thereof, if an insurance company, of the president or secretary thereof, and if any other corporate body, of the treasurer thereof, or person executing the duties of treasurer, to render the account upon oath aforesaid.

SEC. 7. If it shall appear by the account or oath of any person or body corporate or by the account or oath of any member of any firm or copartnership served with a copy of a writ as aforesaid, that at the time of the service of said writ, such person, body corporate, firm or copartnership, had any of the personal estate of the defendant in their hands, then and in such case, the plaintiff, after having recovered judgment against such defendant, may bring his action against such garnishee, to recover so much as will satisfy such judgment with interest and costs, if there shall appear by said

account to be a sufficiency for the same; otherwise, for so much as shall appear by said account to be in his hands.

SEC. 8. When it shall appear that several garnishees had property of the defendant as aforesaid, the plaintiff may sue each separately, and recover the amount in his hands, until such plaintiff receive full payment of his judgment against the original defendant, with interest and costs.

SEC. 9. Any garnishee, after final judgment against the defendant, may satisfy such judgment or any part thereof to the amount of the estate attached in his hands, before any suit shall be brought against him therefor; and such payment shall avail for his discharge as against both plaintiff and defendant, for the amount thereof.

SEC. 10. If by the garnishee's oath it appears that the personal estate in his hands, or in that of the body corporate for which he acts, belonging to the defendant, did not consist of money, but of one or more specific articles, it shall be lawful for such garnishee, after final judgment shall be rendered against the defendant, to surrender or deliver to the officer charged with the execution issued on said judgment, such specific articles, that the same may be taken thereon.

SEC. 11. Such surrender or delivery shall be a good discharge to the garnishee for such articles, as to both plaintiff and defendant in the action.

SEC. 12. If any person, body corporate, firm or copartnership, after being served with a copy of any writ against any person or foreign corporation as aforesaid, and having tendered at the time of such service or previous to the sitting of the court, two dollars and his travelling fees as a witness in the supreme court or court of common pleas, and one dollar and like travelling fees in any other court, shall neglect or refuse to render an account on oath as aforesaid of what personal estate of the defendant they had in their hands at the time of the service of such copy, such garnishee shall be liable to satisfy the judgment that the plaintiff shall obtain against the defendant in such writ, to be recovered by special action on the case.

SEC. 13. If several garnishees shall neglect or refuse to render an account upon oath as aforesaid in the same case, then the plaintiff shall bring his action against all such garnishees, jointly, and in no other manner.

SEC. 14. Any attorney, agent, factor, trustee or debtor, who shall be served with a copy of a writ against any defendant as aforesaid, shall have liberty to file an answer to such action and defend the suit in behalf and in the name of the defendant.

SEC. 15. If it shall appear by the oath of the person or body corporate or by the oath of any member of any firm or copartnership as aforesaid, who have been served with a copy of any writ as aforesaid, that they had not any of the personal estate of the defendant in their hands, then such action shall be dismissed, and the person who shall appear to defend the same, shall recover his costs.

SEC. 16. Every person, body corporate, firm or copartnership, served with a copy of a writ for attaching the estate of another in their hands, shall be paid all lawful costs and charges which they shall be at, in consequence of their being served with such writ of attachment, by the person who brings the action; and so much of said charge as shall be judged reasonable by the court before whom the cause shall be pending, shall be allowed in the bill of costs.

SEC. 17. The proceedings in foreign attachment shall be the same in justices' courts as in the supreme court or court of common pleas.

TITLE XXVII.

Of Proceedings in Courts.

CHAPTER 184. Of entering actions and appeals, and of amendment and abatement.
CHAPTER 185. Of pleadings, tender and set-off.
CHAPTER 186. Of trials.
CHAPTER 187. Of views, witnesses, depositions and evidence.
CHAPTER 188. Of referees, auditors and masters in chancery.
CHAPTER 189. Of judgments, and of interest on judgments, verdicts, awards and reports.
CHAPTER 190. Of costs, double costs and double interest, and of taxation of costs.
CHAPTER 191. Of appeals in civil cases at common law, and of neglect to prosecute the same.
CHAPTER 192. Of taking questions of law, in cases civil and criminal, to the supreme court.
CHAPTER 193. Of new trials.

CHAPTER 184.

OF ENTERING ACTIONS AND APPEALS, AND OF AMENDMENT AND ABATEMENT.

SECTION
1. Actions and appeals when to be entered in supreme court and court of common pleas.
2. Of special leave to enter.
3. Entry, what.
4. Defects of form, effect of.

SECTION
5. Power of courts to amend.
6 and 7. Proceedings in case a defendant partner not served.
8. Judgment, in case person summoned be not partner.
9. Effect of death of one of two or more plaintiffs or defendants, when suggested.

SECTION 1. All actions and appeals shall be entered in the supreme court and court of common pleas, on the first or second days of the term, and not afterwards, without special leave of the court.

SEC. 2. Such leave may be granted in case the party whose duty it was to enter the action or appeal, was prevented from so doing by accident, mistake or misfortune.

SEC. 3. No action or appeal shall be deemed to be entered until the necessary papers are filed with, and the legal entry paid to the clerk.

SEC. 4. No summons, writ, declaration, return, process, judgment or other proceeding in civil causes, in any of the courts, shall be abated, arrested, quashed or reversed for any defect or want of form; but the courts respectively shall proceed and give judgment according as the right of the cause and matter in law shall appear unto them, without regarding any imperfections, defects or want of form in such writ, declaration or other pleadings, return, process, judgment or proceeding whatsoever.

SEC. 5. The courts, respectively, shall and may, from time to time, amend all and every such imperfections, defects and want of form, and may, at any time, permit either of the parties to amend any defect in the process or pleadings, upon such conditions as said courts, respectively, shall, in their discretion, or by general rule, prescribe.

SEC. 6. If any writ or process shall be brought against any trading or manufacturing company, not incorporated, which shall not be served on all the partners, or in which the name of any partner shall be omitted, the court on motion of any person, party thereto, may, and in case the same be pleaded shall, issue a summons to the partner omitted or not served, if within this state; said motion or plea being accompanied with an affidavit of the person making the same.

SEC. 7. Such omitted partner, being served with such summons twenty days at least before trial, shall be deemed to be a party to the suit, to all intents and purposes, and the writ and declaration shall be amended accordingly; and such partner may file his plea in said action at any time within said twenty days, or after that time, by leave of court, upon cause shown.

SEC. 8. If it shall be found that the party summoned was not a partner with the original defendants, the court shall render judgment against the party summoning him, in favor of such party for his costs, and in favor of the plaintiff against the original defendants for the damages or debts proved, with costs, unless such party summoned was made party on motion of the plaintiff; in which case judgment shall be rendered in favor of all the defendants for their costs against the plaintiff.

SEC. 9. If there shall in any case be two or more plaintiffs, or defendants, and one or more of them shall die, if the cause of action shall survive to the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants, the writ or action shall not be thereby abated, but such death being suggested upon the record, the action shall proceed at the suit of the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants.

CHAPTER 185.

OF PLEADINGS, TENDER AND SET-OFF.

SECTION

1. Declaration, when and where to be filed.
2. Pleas, when and where to be filed.
3. Of special leave to file pleas.
4. Pleas of absent defendants in case of attachment of real estate, or of foreign attachment, when to be filed.
5. Of double pleas and replications.
6. Of plea of payment in debt on bond, or in debt or scire facias on judgment.
7. Of plea of payment of debt on bond after day.
8. Of disclaimer and tender in court, and of amends.
9. Effect of receipt of tender in part satisfaction only.
10. Of filing account of particulars.
11. Of filing account in set-off.
12. Of set-off.
13. Statement of demands in set-off, when to be filed, and of judgment in case of set-off.

SECTION 1. In all civil causes or suits at law originally brought in the supreme court or court of common pleas, except in a special court of common pleas, the plaintiff shall declare therein and file his declaration in the clerk's office of the court, twelve days before the sitting of the court, to which the writ in such cause or suit is returnable.

SEC. 2. The defendant shall file his plea or answer with the clerk, six days before the sitting of the court, or judgment shall pass against him as for a default.

SEC. 3. The court may, for cause shown, permit the defendant, on the first or second day of the term, to file his plea or answer in court, upon such terms and conditions as the court may prescribe.

SEC. 4. In case any action commenced by attachment of real estate or by foreign attachment shall not be answered, and the defendant shall not return into this state before the return day of the writ, the court shall continue the action one term, and the defendant shall have a right to answer the same six days previous to the term to which such action shall be continued, or may be permitted to answer the same on the first or second day of said term, in like manner as is provided in the next preceding section.

SEC. 5. It shall and may be lawful for any defendant in any action or suit, and for any plaintiff in replevin, in any court or before

any justice of the peace, with leave of such court or justice, to plead as many several matters thereto as he shall think necessary to his defence; and, with like leave, any plaintiff may reply as many several matters to the defendant's plea or pleas as he shall think necessary.

SEC. 6. When any action of debt shall be brought upon any bond without condition, or when an action of debt or writ of scire facias shall be brought on any judgment, if the defendant hath paid the money due upon such bond or judgment, such payment shall and may be pleaded in bar of such action or suit.

SEC. 7. When any action of debt shall be brought upon any bond which has a condition or defeasance to make void the same upon the payment of a less sum at a day or place certain, if the obligor, his heirs, executors or administrators, have, before the action brought, paid to the obligee, his executors or administrators, the principal and interest due by the defeasance or condition of such bond, though such payment was not made strictly according to the condition or defeasance, yet it shall and may, nevertheless, be pleaded in bar of such action; and shall be as effectual a bar thereof as if the money had been paid at the day and place, according to the condition or defeasance, and had been so pleaded.

SEC. 8. The defendant in every action of debt, action of covenant, and in every action on the case grounded on an express or implied contract, in every action of trespass for breaking and entering the plaintiff's close, wherein the defendant shall, in his plea, disclaim all right, title and interest in and to the said close, and in every action of trespass or trespass on the case for any injury done to personal property, or of trover, that may be pending before any court or before any justice of the peace, shall have right to make and plead a tender; or may have leave to bring into court the money which he shall acknowledge to be due on such contract or sufficient amends for such trespass or injury, together with the plaintiff's lawful costs expended up to the time of the tender made or pleaded, or the bringing of the money into court; and the plaintiff shall have a right to take the same in full or in part satisfaction of the demand made in such suit.

SEC. 9. If the plaintiff, in either of the above cases, shall receive the same in part satisfaction only, and shall proceed further in the same suit, and the court or jury or justice of the peace, who shall finally assess the damages in such case, shall determine that no more was due on the demand made in such suit than was tendered or brought into court as aforesaid, at the time the same was tendered or brought in, the plaintiff shall not recover costs, but shall be obliged to pay the defendant his costs, after said tender or after the money was brought into court as aforesaid, as the case may be.

SEC. 10. When an action shall be brought to recover a debt due on any book account, the plaintiff shall annex to his declaration on filing the same, an account of particulars.

SEC. 11. The defendant in such case, and also in all actions on an account stated by the parties, a quantum meruit, quantum valebat, or for goods sold, or for services done at an agreed price,

may plead the general issue and may file any account he hath with his said plea; and the court or jury who shall assess the damages in such case shall determine the balance due to either party; and the party in whose favor the balance shall be found shall recover judgment therefor, together with his costs, and shall have execution accordingly.

SEC. 12. If any defendant shall have a demand on the plaintiff for any sum liquidated, or for one which may be ascertained by calculation, and which is founded on a judgment, or upon an account or upon any contract, whether express or implied, and whether with or without a seal, and which existed at the time of the commencement of the action and then belonged to the defendant in his own right, and for which he might maintain a suit in his own name, he may set off the same in any action founded upon any demand which could itself be set off.

SEC. 13. To entitle the defendant to a set-off, he shall file a statement of his demands in court, or in the clerk's office, at the term in which the action is entered, on or before the second day of said term, or within such further time as the court shall allow, and shall set forth his demands with as much certainty as would be required in a declaration; and the court in which the action may be pending may render judgment for the defendant for the balance due to him with costs.

CHAPTER 186.

OF TRIALS.

SECTION

1. What interest in suit disqualifies judge or justice.
2. Bills and petitions in equity, where may be heard and decided.
3. Of transfer of matters in equity.
4. Hearings before single judge, where to be had.
5. Proceedings in case of, how to be certified, and papers where to be returned.
6. Of right to become nonsuit, or to discontinue.
7. Damages in case of judgment by default, discontinuance, submission or demurrer, how to be assessed.
8. Of right to waive jury trial, and be tried by court.

SECTION 1. No judge of any court, or justice of the peace, shall sit in judgment in any cause in the event of which he is interested: *Provided*, that residence and payment of taxes in any town, or an interest in common with all the inhabitants of such town shall not exclude a judge or justice from sitting in any cause to which such town is a party, or in which the same or the inhabitants of the same are interested.

SEC. 2. Bills and petitions in equity commenced in one county, may be heard and decided in any other county, at the discretion of

the supreme court, if in session, and in case of motions, at the discretion of a single justice in vacation; and said court shall have power to make all such rules and orders as may, in their opinion, be necessary or expedient to carry this provision into full effect.

SEC. 3. By consent of all parties, or their counsel, indorsed on the papers, in any matter in equity pending before said court, the same may be transferred to, and heard and determined in any other county, at the discretion of the court; and after such transfer, such matter may, in all respects, be proceeded with as if originally commenced in the county to which the same shall have been transferred, or by like consent, sent back in any stage, to the county in which such matter originated.

SEC. 4. In all cases in which power is conferred on a single justice of the supreme court to hear and determine on any matter, such hearing shall be, unless otherwise ordered by the justice, in the office of the clerk of the court in the county in which the same shall be heard.

SEC. 5. Said justice shall certify his proceedings to the clerk of the court in the county in which the matter or cause shall be pending, and return to him the original papers in such matter or cause, to be by him kept on file in his office.

SEC. 6. The plaintiff or appellant in any cause shall not have a right to become nonsuit or to discontinue the same, in the supreme court, after the same shall be submitted to the decision of the jury; but the cause shall, in the discretion of the court, proceed, and the verdict of the jury be taken therein, whether the plaintiff or appellant shall appear or not.

SEC. 7. In all cases, in the supreme court and court of common pleas, except when otherwise provided, if judgment be rendered on default, discontinuance, submission or demurrer, damages shall be assessed by the court, with or without the intervention of a jury, at the discretion of the court.

SEC. 8. In all actions or suits, which shall be pending before any court in this state, the parties therein may waive the right of trial by jury; and in such case the court shall hear, try and determine the said case, both as to the law and as to the facts, and render judgment therein; any law, rule or usage to the contrary notwithstanding.

CHAPTER 187.

OF VIEWS, WITNESSES, DEPOSITIONS AND EVIDENCE.

SECTION		SECTION	
1 and 2.	Views, when to be granted and upon what terms.	4 and 5.	Summons to witness, who may issue.
3.	Form of summons to witness.	6.	How to be served.

SECTION
7 and 8. Witness, in what cases obliged to attend.
9. Liability of, to party for non-attendance.
10 and 11. Power to attach and fine witness for non-attendance.
12. Attachment of, how served.
13. Of discharge of witness committed upon recognizance.
14. Of witness's certificate of attendance.
15. Depositions, who may take.
16 and 17. Adverse party, when to be notified of taking.
18 and 19. Notification to, how issued, directed and served.
20. Depositions, how to be taken.
21. How to be returned, and obligation to give, how enforced.
22 and 23. Deposition and copy of, when to be used, and when not.

SECTION
24. Depositions, how to be taken out of the state.
25 and 26. Of commission to take, and when necessary.
27. Depositions taken to be used out of state, how may be taken.
28. Depositions *in perpetuam*, who may take, and when may be used.
29. How taken.
30. How sealed up, directed, recorded and delivered, and necessity of record, unless opened in court.
31. Of proofs in equity causes.
32. In bastardy causes.
33. Effect of interest in witness.
34 and 35. Parties, when may be witnesses and when not.
36. Certified extracts from newspapers in cabinet of historical society, how far evidence, and fees for copies, &c.

Views.

SECTION 1. In all cases relating to the realty, either party may have the jury to view the place in question, if the court shall be of opinion that such view is necessary.

SEC. 2. To entitle himself to such view, the party moving therefor shall advance such reasonable sum of money to the sheriff to defray the expenses of the jury on such view, as the court shall order; and the amount of such expenses shall be taxed against the adverse party, if he who advanced the same shall recover costs in the suit.

Witnesses.

SEC. 3. The form of a writ of summons to a witness shall be substantially as follows: —

SC. *To* *of* *greeting:* —

You are hereby required, in the name of the state of Rhode Island and Providence Plantations, to make your appearance before the court next to be holden at within and for our county of on the Monday of to give evidence of what you know relating to an action or plea of then and there to be heard and tried, betwixt plaintiff, and defendant. Hereof fail not, as you will answer your default under the penalty of the law, in that behalf made and provided. Dated at the day of in the year .

Clerk.

SEC. 4. Clerks of courts may issue writs of summons to witnesses in all cases pending in such courts.

SEC. 5. Auditors, referees, arbitrators, masters in chancery and

commissioners may issue writs of summons to witnesses in all cases and matters pending before them respectively.

SEC. 6. A summons to a witness shall be served by reading the same to him.

SEC. 7. Every witness who shall be duly served with a summons, in behalf of any party to a suit or proceeding, civil or criminal, and shall have his lawful fees tendered to him for his travel from his place of abode to the place at which he shall be summoned to attend, and for one day's attendance, shall be obliged to attend accordingly.

SEC. 8. A witness summoned in behalf of the state shall have no right to have his fees paid or tendered to him before he shall be bound to obey the same.

SEC. 9. Any witness who does not appear according to the tenor of such summons, having no reasonable let or hinderance to the contrary, shall be liable to the action of the aggrieved party for all damages sustained in consequence of such default.

SEC. 10. The court, magistrate or tribunal before which any witness is summoned to appear, shall have power, by writ of attachment, to bring any witness duly summoned to appear, to appear before them, and to fine him, not exceeding twenty dollars, and to order him to pay the costs of such attachment, and to be committed to prison until such fine and costs be paid.

SEC. 11. Whenever any witness duly summoned to appear before the grand jury, or on any indictment, at any term of the supreme court or court of common pleas, shall neglect to appear according to the tenor of such summons, such court may order a writ of attachment to issue against him, returnable either at said term or the next term of the same court; and may direct the same to each and all sheriffs, deputy sheriffs, town sergeants and constable, within the state.

SEC. 12. If the court from which such writ of attachment issues shall not be in session at the time of the service of such writ, the officer charged with the service thereof shall commit such witness to jail, either in the county from which the writ may issue or in which such witness may be; there to be kept, until he shall give recognizance before some magistrate of the same county, with sufficient surety, in the sum of one hundred dollars, to appear before said court on the second day of the next term thereof, which recognizance shall be returned by said magistrate unto the clerk of said court.

SEC. 13. Such witness may give such recognizance while in custody of the officer, before he is committed to jail, and thereupon the officer shall discharge him from custody.

SEC. 14. Every witness, previous to his obtaining any fees, except the amount which in certain cases must be tendered to him before he can be compelled to attend, shall give a certificate to the clerk of the court or justice of the peace wherein or before whom his attendance shall be given, certifying the number of days he shall have attended, and the number of miles he shall have travelled, in pursuance of a summons issued for that purpose, which

certificate shall be subject to the examination of the court or justice, and such allowance shall be made thereon as shall be lawfully due.

Depositions.

SEC. 15. It shall be lawful for any justice of the supreme court, justice of the peace or public notary, to take the deposition of any witness to be used in the trial of any civil suit or action in which he is not interested, nor of counsel nor the attorney of either party, and which shall then be commenced or pending in this state or in any other state or government.

SEC. 16. It shall be the duty of every magistrate, and officer, previous to the taking of any deposition as aforesaid within this state, to cause the adverse party, if residing in this state, or within one hundred miles of the place of caption, or in case of his absence, his attorney known to be such, to be notified of the time and place appointed for taking the same, that he may attend and put interrogatories to the deponent if he thinks fit.

SEC. 17. In the taking of all depositions without the limits of this state, it shall be the duty of the party causing such depositions to be taken, to notify the adverse party or his known attorney of the time and place appointed for taking the same; and such notification, issued by any justice or notary in this state, shall be served in the manner hereinbefore provided such reasonable time before the taking of such depositions, as will give the adverse party a full opportunity to be present in person, or by attorney, and put interrogatories to the deponent if he think fit.

SEC. 18. The notification shall be issued by the magistrate, officer or commissioner who shall take such deposition, and shall be directed to any proper officer or to any impartial and disinterested person; and in case of depositions taken within this state shall be served not less than twenty-four hours, before the time of taking such deposition.

SEC. 19. The officer or other person charged as aforesaid with such notification, shall serve the same by reading it to the party to be cited, if to be found, and if not to be found, by leaving a copy thereof at his usual place of abode; and shall in his return state the hour of the day when the service was made; and when such service shall be made by any person other than a sworn officer, he shall verify the same under oath before some justice or notary.

SEC. 20. Every person before deposing shall be carefully examined, cautioned and sworn to testify the truth, the whole truth, and nothing but the truth. He shall subscribe the testimony by him given after the same shall be reduced to writing, which shall be done only by the magistrate, officer or commissioner taking the deposition, or by the deponent in his presence.

SEC. 21. The deposition so taken shall be retained by such justice, notary or commissioner, until he deliver the same with his own hand to the court for which it is taken, or shall, together with

a certificate of its having been duly taken, be by said justice, tary or commissioner, sealed up and directed to such court, a. remain so sealed until opened in court; and any person may b compelled to appear and depose as aforesaid within this state, in the same manner as to appear and testify in court.

SEC. 22. The deposition of any person taken pursuant to this chapter, shall be used as evidence in the trial of any cause in which it shall have been taken to be used; and if the party that took the same shall neglect to produce or use it, the adverse party may use in such trial the original, or a copy of such deposition, certified by the magistrate before whom it was taken, with the same effect as if the original deposition had been produced and used by the party taking the same.

SEC. 23. If any witness shall be induced to go out of this state in order that his deposition may be taken without the adverse party's having due notice, the deposition of such witness taken by such undue means, shall not be used or admitted as evidence in any court in this state.

SEC. 24. Depositions taken without this state to be used in the trial of any cause pending in any court in this state, shall be received as evidence: *Provided*, such depositions shall be taken with the formalities required by the law of the state or country in which the same shall have been taken, or before some commissioner appointed by the governor, or by some judge, chancellor or other civil magistrate of such state or country, in conformity to the provisions of this chapter.

SEC. 25. The supreme court, or court of common pleas may, on the motion of either party in any civil suit pending therein, grant a commission to take depositions according to common usage, when it may be necessary to prevent a failure or delay of justice.

SEC. 26. No deposition taken within one hundred miles of the place of trial shall be used on the trial of any cause in any court in this state, which shall have been taken during the sitting of the court before which the cause may be pending, unless the same shall have been taken by order of such court.

SEC. 27. Depositions may be taken in this state, to be used on the trial of any cause pending in any other state or government, by any person residing in this state, to whom a commission shall be directed and sent by such court, with such formalities as shall be prescribed in such commission, or as are prescribed in this chapter.

Depositions in perpetuam rei memoriam.

SEC. 28. Any justice of the supreme court, or master in chancery, as well before as after the commencement of any civil suit or action, on application, shall be authorized to take depositions in perpetuam rei memoriam; which depositions in case of the death of any deponent, his becoming non compos mentis, his absence from this state or inability to attend, may be used as evidence in any court in this state against any person who shall have had due

notice of the taking of such deposition, his heirs, executors, administrators or assigns.

SEC. 29. The same formalities shall be observed in taking depositions in perpetuam rei memoriam, as in taking other depositions.

SEC. 30. The justice or master taking such deposition, shall seal up and direct the same to the clerk of the supreme court in the county in which some one of the persons notified of the taking of the same shall reside; which clerk on receiving such deposition so directed and sealed up, upon payment of legal fees for recording as in other cases, shall open and record the same, and the certificate of the caption thereof, in a book to be specially kept for that purpose; noting on said deposition the time when he received it and the page of the book in which it is recorded; after which he shall deliver the original deposition to the party who took it; and no such deposition, not so recorded, shall be received as evidence in any court in this state, unless the same shall be opened in such court.

Certain provisions respecting evidence.

SEC. 31. In all equity causes the proof shall be by deposition, according to the course of courts of chancery, unless otherwise ordered by the supreme court in session or by a justice thereof in vacation.

SEC. 32. Depositions taken in conformity to the provisions of this chapter, may be used on the trial of any bastardy case before any court or magistrate.

SEC. 33. No person, offered as a witness, shall be excluded from giving evidence either in person or by deposition in any civil proceeding in any court, or before any person having authority to receive evidence, by reason of incapacity from interest, but every person so offered shall be admitted to give evidence, notwithstanding he may have an interest in the matter in question.

SEC. 34. Parties to any civil suit or proceeding at law or in equity, or persons for whose benefit any such suit or proceeding is brought or defended, may testify in open court, and may be compelled to testify or depose in such suit or proceeding, as other witnesses: *Provided*, that when an original party to the contract or cause of action is dead, or when an executor or administrator is a party to the suit, the other party may be called as a witness by his opponent, but shall not be admitted to testify upon his own offer, or upon the call of his co-plaintiff or co-defendant, otherwise than now by law allowed, unless a nominal party merely.

SEC. 35. Nothing in the preceding two sections shall render the husband or wife, during marriage or after divorce, competent to testify for or against each other, otherwise than now by law allowed; nor be applicable to the attesting witnesses of any last will or codicil.

SEC. 36. In all courts of law, and before all tribunals, a copy of any newspaper or extract of any newspaper contained in either of

the bound volumes deposited with the Rhode Island Historical Society for the northern district, or with its cabinet keeper, under the provisions of chapter three, sections seven and eight, certified by the said cabinet keeper, shall be of equal value with the paper itself; and said cabinet keeper shall be entitled to the same fees for copies and certificates allowed by law therefor to town clerks.

CHAPTER 188.

OF REFEREES, AUDITORS AND MASTERS IN CHANCERY.

SECTION
1. Of rule for reference of suit, in supreme court and court of common pleas.
2. Of rule, where no suit.
3. Agreement of parties as to, conclusive.
4. Power to discharge or recommit rule.
5 and 6. Of petition for rule in vacation, and proceedings on, and report.
7. Of referring case before justice of the peace.
8. Of referee's oath.
9. Power of referees and arbitrators to administer oaths and summon witnesses.
10. Auditors, when to be appointed.
11. Masters in chancery, how many and by whom appointed.
12. Power of masters in chancery, auditors and referees to issue writs of protection.

SECTION 1. The supreme court and court of common pleas may permit the parties in any suit pending in said courts respectively, to enter into a rule of such court to refer such suit to the decision of one or more referees, to be agreed upon by the parties; and also to refer in the same rule, any other actions or causes of action that may subsist between them, either jointly or severally, generally or specially.

SEC. 2. Though no suit be brought, said courts shall have power to permit any persons who may have causes of action subsisting between them, to enter a rule of said court, to refer the same to a decision of a referee or referees as aforesaid, generally or specially.

SEC. 3. The parties to any rule may agree upon the time and manner of making report and of issuing execution on the judgment that may be rendered thereon, conforming to law; and every such agreement, made in manner aforesaid, shall be conclusive upon the parties; and the court shall render judgment upon the report of the referees conformable thereto, and issue execution accordingly.

SEC. 4. The court may, at any time, in their discretion, or on motion of either party, discharge a rule or recommit a rule and report to the same referees; but a rule shall remain in full force until so discharged, and shall be so continued from term to term until report shall be made thereon.

SEC. 5. Any persons having any action or cause of action sub-

sisting between them, may file with the clerk of the supreme court or court of common pleas in the county where either or all of them reside, in the vacation of the said courts, a petition, setting forth said facts, and that they have mutually agreed to refer the same to the decision of certain persons named therein as referees; whereupon the clerk shall enter said petition on the docket of the business of said court for the next term; make out a writ to said referees, annex thereto or embody therein said petition, which shall authorize them to hear and determine said dispute, with the same powers, in the same manner and with the same effect as though said petition had been filed in open court.

SEC. 6. The report of referees made under a petition and rule entered in vacation, shall be made to the next or some other term of the court in which the same are entered: and the court shall have the same power over a petition and rule so entered, as if entered in open court.

SEC. 7. The parties to any suit that may be pending before any justice of the peace shall have a right to enter into a rule to refer the same, and to include therein any other demands between them, not exceeding in the whole on either side, the amount of twenty dollars, and in which the title to real estate shall not be concerned; and the justice shall have like power, and similar proceedings shall be had thereon, as are given and prescribed in this chapter respecting rules that may be entered in the supreme court and court of common pleas.

SEC. 8. Each referee, before he proceeds to the business of the reference, shall take an oath faithfully and impartially to hear and examine the cause, and make a true and just report, according to the best of his skill and understanding; which oath may be taken before any judge of any court of record, or any justice of the peace or public notary.

SEC. 9. Referees and arbitrators shall have power to administer oaths to all witnesses in any matter tried before them, and shall also have power to compel the attendance of witnesses before them, in the same manner and by a similar process as courts of record are authorized to compel the attendance of witnesses; and any summons for witnesses may be issued and signed by any one referee or arbitrator, or by the clerk of the court from which the rule is issued.

SEC. 10. In all actions relative to partnerships and all other joint accounts, and in all actions involving matters of book account, the supreme court and court of common pleas are authorized and empowered upon motion of either party, to appoint an auditor or auditors, who shall have the same powers, and be sworn, and proceed in the same manner as auditors in a proper action of account; and the court upon the reception and allowance of the report of the auditor or auditors, shall render judgment in pursuance thereto.

SEC. 11. The supreme court shall appoint in each county one or more standing masters in chancery, to hold office during the pleasure of the court; and said court shall have power to make all such

rules and orders with regard to proceedings by and before such masters, their reports, and exceptions to, and hearings on the same, as to them shall seem expedient.

SEC. 12. Masters in chancery, auditors and referees, duly appointed, shall have the same power to issue writs of protection to parties and witnesses in matters pending before them, as is possessed by the courts from which they derive their appointment; and the signing of such writs by any one master, auditor or referee, who has been duly sworn, shall be sufficient.

CHAPTER 189.

OF JUDGMENTS, AND OF INTEREST ON JUDGMENTS, VERDICTS, AWARDS AND REPORTS.

SECTION
1. Judgment of court, when to be entered, and time of, how noted.
2. In actions for breach of bond or for penalty of agreement, judgment how to be entered.
3, 4 and 5. Execution in such case, for how much, and how to issue.
6. Action for covenant broken in such case saved.
7. Judgment in ejectment on mortgage, what.
8. Of set-off of judgments.
9. Of interest on judgments.
10. Of interest on verdicts, awards and reports of masters in chancery and auditors.

SECTION 1. Every judgment shall be entered as of the last day of the term in which it is rendered, unless there be an express order of the court for the entry thereof on some other day; in which case the day shall be noted by the clerk on his docket.

SEC. 2. In all actions brought for the breach of the condition of a bond, or to recover a penalty for the non-performance of any covenant, contract or agreement, when it shall appear by verdict, default, submission or otherwise, that the condition is broken or the penalty forfeited, judgment shall be entered in the common form for the penal sum, but no execution shall issue thereon, except as is provided in the two following sections.

SEC. 3. The court shall award an execution in such case for so much of the penal sum as shall then be due and payable in equity and good conscience, for the breach of the condition, or other non-performance of the contract, which sum shall be ascertained and determined by the court, unless either party shall move to have it assessed by a jury, or unless the court shall think it proper to have the question so decided; in which case the sum so due shall be assessed by a jury.

SEC. 4. If any further sum shall afterwards become due on such bond or other contract, the plaintiff, or his executor or administra-

tor, may have a scire facias on the judgment from the court in which it was rendered, against the original defendant, or his executors, administrators, heirs, devisees or assigns, as the case may be, suggesting such further breaches of the contract as shall have occurred, and summoning the adverse party to show cause why execution should not be awarded upon the judgment for the damages caused by such further breaches.

SEC. 5. The sum due in such suit shall be assessed and determined in the same manner as in the original suit, and execution shall be awarded accordingly; and the like proceedings may be repeated upon occasion of any further breaches of the same contract, as often as they shall occur, until the whole of the penalty is exhausted.

SEC. 6. Nothing herein contained shall prevent any person from bringing an action for the breach of any covenant or other contract, instead of suing for the penalty by which the performance of the covenant or contract may have been secured.

SEC. 7. In every action of ejectment or trespass and ejectment for possession of any real estate mortgaged, in which the defendant by his plea shall aver a right of redemption in himself or in the person under whom he claims, which averment shall not be traversed by the plaintiff, or if traversed shall be found true, the court before which the same shall be pending shall, by themselves or by one or more judicious and disinterested men, by them appointed, ascertain, according to the rules of equity, the just sum due on such mortgage; and shall thereupon render a conditional judgment, that if the mortgagor, his heirs, executors, administrators or assigns, shall pay unto the plaintiff in such action, or deposit in the clerk's office for him, the sum adjudged due as aforesaid, within two months from the time of entering up judgment, with interest, then the mortgage or deed operating as such, shall be void and discharged, otherwise that the plaintiff shall have his writ of possession.

SEC. 8. Whenever any court shall, at the same term, render final judgment for debts or damages in two or more personal actions, in which the parties shall be reversed and shall sue and be sued in the same right and capacity, such court shall set off the debts or damages recovered in such judgments, and shall issue execution for the balance only, in favor of the party to whom it shall be due, with costs, if costs were recovered, and for costs only, if no balance upon such set-off be left; and a separate execution shall be issued in favor of the other party for costs, if costs were recovered by him.

SEC. 9. Every judgment for debt or damages to the amount of twenty dollars or upwards shall draw interest on such debt or damages, from the time of its rendition to the time of its discharge.

SEC. 10. Verdicts, awards of referees, and reports of masters in chancery, or of auditors ascertaining amounts of twenty dollars or upwards due from party to party by way of debt or damages shall, if, and in so far as confirmed by judgment or decree, draw interest on such debt or damages, if of the amount of twenty dollars or

upwards; if a verdict, from the time the same is rendered, and if an award or report, from the time the same is dated or made up: *Provided*, there be nothing in the verdict, award or report to the contrary thereof, or plainly inconsistent therewith.

CHAPTER 190.

OF COSTS, DOUBLE COSTS AND DOUBLE INTEREST, AND OF TAXATION OF COSTS.

SECTION

1. In general, prevailing party recovers.
2. Of costs in actions of partition.
3. Of surveyor's fees, &c.
4. Of costs, in actions for slander, malicious prosecution, and assault and battery.
5. In actions of assumpsit, trespass and case, when appealed.
6. In cases triable before single justice in vacation.
7. In case of discontinuance by plaintiff.
8. In actions of trespass or ejectment against two or more, and discontinuance as to, or judgment in favor of, one.
9. Travel and attendance, how taxed in case of partners.
10. In actions on promissory note assigned, costs, how taxed.
11. Witness's fees how taxed, if no certificate.
12. Double costs, when may be given against appellant from judgment on bond, note or bill of exchange.
13. When, in case of new trial, of course.
14. Costs, by whom taxed.
15. Disallowance of items of, when made.
16. Revision of costs in court of common pleas, on appeal, in supreme court.

SECTION 1. In civil causes at law, the party prevailing shall recover costs, except where otherwise specially provided.

SEC. 2. In all actions of partition, the court before which the same may be pending, may adjudge and determine as to them shall appear equitable and just, relative to the apportionment of costs among the parties, plaintiff and defendant, by dividing the same equally or subjecting either party to the payment of the whole or any part thereof.

SEC. 3. The supreme court and court of common pleas shall have power to divide or apportion between the parties in a suit pending, the fees of surveyors and other persons performing services therein by direction of the court.

SEC. 4. In all actions of the case for slanderous words or malicious prosecution, and in all actions for trespass for assault and battery or imprisonment, that shall be commenced in the supreme court or court of common pleas, if the court or jury who shall finally assess the damages in such case, shall assess the same at a less sum than seven dollars, the plaintiff in such case, shall recover no more costs than damages.

SEC. 5. In all actions of assumpsit, trespass or trespass on the case in which judgment is rendered on appeal, the court rendering judgment may award costs for or against the plaintiff or defendant,

or for neither, in their discretion, according to the circumstances of the case.

SEC. 6. In all cases in which power is conferred upon a single justice of the supreme court to hear and determine any matter in vacation, said justice may, in his discretion, award costs to either or neither party thereto, or divide the same, in any proportion between the parties; said costs to be taxed by the clerk, allowed by the justice, and collected by execution, returnable to the next term of said court in the county.

SEC. 7. If the plaintiff in any case shall file his declaration in either of the clerk's offices of the supreme court or court of common pleas, as is by law provided, and shall afterwards withdraw or discontinue his suit before the sitting of the court, but after answer filed, the defendant in such case shall recover his costs.

SEC. 8. When several persons shall be made defendants in an action of trespass or ejectment, and the same shall be discontinued as to any one or more of said defendants; or if upon the trial thereof, any one or more of them shall be acquitted by verdict, or upon a demurrer, every defendant so discharged or acquitted, shall have and recover his costs.

SEC. 9. In all civil actions brought by or against a firm, company or copartnership, and where there is a joint cause of action, or joint defence, costs for travel and attendance of one only of the parties recovering judgment shall be taxed.

SEC. 10. In all actions on promissory notes in the name of the assignee or indorsee of the note against the original promisor, no more costs shall be taxed than would by law be taxable if such action had been brought in the name of the payee of the note.

SEC. 11. Unless the certificate of a witness, for his attendance and travel, be filed with the clerk of a court or justice of the peace rendering judgment, within four days after the rendition of judgment in the cause in which he shall have attended, or been summoned, no more fees shall be taxed in favor of the party procuring such witness than his travel, and one day's attendance.

SEC. 12. The appellee, in any case appealed from the court of common pleas to the supreme court brought upon any bond or promissory note for money, or upon any bill of exchange against the acceptor thereof, whether interest be payable thereon or not, who shall recover in the supreme court, shall recover double costs in said court, and double interest on the debt from the day of the judgment of the court of common pleas appealed from, to the time of the final trial in the supreme court: *Provided*, that if the supreme court on such final trial shall be satisfied that the appellant had reasonable ground of defence, and that such appeal was not solely for delay, they shall allow only single interest from the day of the judgment of the court of common pleas appealed from, to the time of such final trial, with single costs.

SEC. 13. If in any action for such cause originally brought in the supreme court, a verdict be recovered by the plaintiff, and a motion for a new trial be filed therein by the defendant and allowed as of course, and judgment be afterwards rendered in favor

of the plaintiff upon verdict, by default or on submission, the defendant may, in the discretion of the court, be adjudged to pay double costs and double interest on the debt accruing or taxable after the filing of such written motion.

SEC. 14. All bills of costs shall be taxed by the clerks of the respective courts, and shall be examined and allowed by one of the justices thereof; except that in justices' courts they shall be taxed and allowed by the justice who signed the original writ, except as provided in chapter one hundred and sixty-eight, section seventeen.

SEC. 15. The justice of any court who shall examine and allow any bill of cost shall strike out and disallow any sum that may be taxed or demanded for the expense of any witness or any evidence whatsoever that shall appear to such justice overcharged, frivolous or not material to the issue of the cause; and no costs shall be allowed for any written evidence unless the fees be noted thereon or certified by the officer who issued or made out the same.

SEC. 16. Costs taxed in the court of common pleas may be revised, in case of appeal to the supreme court, in the taxation of costs there.

CHAPTER 191.

OF APPEALS IN CIVIL CASES AT COMMON LAW, AND OF NEGLECT TO PROSECUTE THE SAME.

SECTION
1. Appeal from justice's court to court of common pleas in civil action, how taken.
2. From the court of common pleas to the supreme court, when to be taken by defendant.
3. By plaintiff, when.
4. Appeals from court of common pleas to supreme court, how taken.
5. Costs to be paid down, on appeal from judgment on bond, promissory note and bill of exchange.
6. Reasons of appeal and copy of case, when to be filed for an appeal.
7. Of special leave to file reasons of appeal.
8. Appeal, how to be tried.
9 and 10. Of proceedings, in case of neglect to enter appeal.

SECTION 1. Any party aggrieved by the judgment of any justice of the peace rendered in any civil action, may appeal therefrom to the next term of the court of common pleas to be holden in the same county, for a final hearing of said action: *Provided*, he shall, within five days after rendition of such judgment, pay costs and give bond in said justice's court to the other party, in a sum not exceeding fifty dollars, with sufficient surety or sureties, to prosecute such appeal with effect, or in default to pay costs.

SEC. 2. Any party defendant aggrieved by the judgment of the court of common pleas, in any civil action bringing into question

the title to real estate, or any right, easement or interest therein, or in which the debt or damages or value of the property recovered shall amount to the sum of one hundred dollars or upwards, may appeal to the supreme court at the term thereof next to be holden in the same county after the expiration of five days from the rising of the court of common pleas at said term.

SEC. 3. Any party plaintiff thus aggrieved by the judgment of the court of common pleas, in any civil action bringing into question the title to real estate, or any right, easement or interest therein, or in which the debt or damages or value of property claimed shall amount to the sum of one hundred dollars or upwards, may, in like manner, appeal from any judgment rendered therein: *Provided*, that if upon such appeal he shall not recover in the supreme court the sum of one hundred dollars or upwards, or property to the value of one hundred dollars or upwards, exclusive of costs, he shall recover no costs in such action, unless the title to real estate, or to some right, easement or interest therein be brought in question in such action.

SEC. 4. In case of such appeal, and as the condition thereof, the appellant shall give bond in the clerk's office of the court of common pleas appealed from, in the sum of one hundred dollars, within five days after the rising of said court at the term in which judgment therein shall have been rendered against him, to prosecute his appeal with effect, and in default thereof to pay costs.

SEC. 5. If judgment be rendered upon any bond for money or upon any promissory note for money, or upon any bill of exchange against the acceptor thereof, whether interest be expressed to be payable in the same or not, the appellant shall pay down the costs of the court of common pleas, and give bond to prosecute the appeal so made.

SEC. 6. The appellant shall, in all cases, file his reasons of appeal in the clerk's office of the court appealed to, at least ten days before the sitting of such court; and shall, at the time of entering his appeal, file in the same office a certified copy of the whole case.

SEC. 7. If any party appealing to the supreme court or court of common pleas, shall, through mistake, accident or misfortune, omit to file his reasons of appeal at the time prescribed as aforesaid, the said courts respectively, in their discretion, on sufficient cause being shown therefor, may, at the term of the court appealed to, permit such party to file his reasons of appeal in court, on such terms as they shall prescribe.

SEC. 8. If the appellant in any case of appeal shall enter his appeal in the court appealed to, the cause shall be tried and decided in the same manner as if both parties had appealed, and both parties shall have the benefit of any new and further evidence.

SEC. 9. If the appellant shall neglect to enter his appeal as by law required, the adverse party, in case he did not also appeal, may at any time during the term appealed to, or at the next succeeding term, enter his complaint and obtain a confirmation of the former

judgment, as of the third day of the said term, with double interest from the time of the rendition of the judgment appealed from, to said third day, if damages were therein given, and double costs.

SEC. 10. In case of such neglect, if the court appealed to shall be satisfied that the appellant had reasonable grounds of appeal, and that the appeal was not taken solely for delay, single interest on the damages and single costs only shall be required of him.

CHAPTER 192.

OF TAKING QUESTIONS OF LAW, IN CASES CIVIL AND CRIMINAL, TO THE SUPREME COURT.

SECTION
1. Act of general assembly to be declared constitutional in first instance, except in supreme court.
2. In case of judgment against party raising constitutional question, cause how and when to be certified to supreme court for deciding constitutional question.
3. Obligation of parties to follow cause, and right to be heard in question raised.
4. Of hearing question in supreme court, and proceedings in cause.
5. Obligation of parties to follow cause back, without notice.
6. Of recognizance to be given by party raising constitutional question in a criminal cause, and effect of refusal to give.
7. Consequence of party raising question, not appearing in supreme court.
8. Expenses of determining constitutional question to be taxed in costs.
9. Right of appeal in case in which constitutional question raised, saved, and when and how to be exercised.

SECTION
10. Rulings of court of common pleas in matter of law, when and how to be reheard in supreme court.
11. Rulings of special court of common pleas in matter of law, when and how.
12. Bond to be given by defendant in special court case, in case of question of law taken to supreme court.
13. Bill of exceptions, how to be drawn, and when to be presented for allowance.
14. Of extension of time for presentation of exceptions.
15. Remedy in case judge refuses to allow bill of exceptions.
16. Bill of exception, when and where to be filed.
17. Of bond or recognizance to be given by party taking question of law to supreme court.
18. Power of supreme court to affirm or reverse judgment below, in such case, and of proceedings thereon.
19. Proceedings in case of neglect to enter and file copy in supreme court.

SECTION 1. If in any cause or proceeding, civil or criminal, pending before any court or magistrate other than the supreme court, the constitutionality of any act of the general assembly shall be brought into question, it shall be the duty of such court or magistrate to rule said act to be constitutional, and to go on and try the cause as though such question had not been raised.

SEC. 2. If judgment be rendered in the cause against the party raising the constitutional question, the court or magistrate shall

forthwith certify the cause to the supreme court for their decision of the constitutional question, if in session; and if not in session, then to the session thereof next to be holden in any county of the state, by adjournment, or at a regular term.

SEC. 3. The parties to such cause shall be bound to follow the same to the supreme court without further notice; and shall there be heard by said court, on the constitutional question raised in such cause.

SEC. 4. The supreme court shall give precedence to such cause over all other business pending before them, and if practicable shall have the opinion of all the justices of said court on the question certified to them; and after deciding such constitutional question, shall send back said cause, with their decision, to the tribunal where it originated, and shall appoint a time, and if need be, a place where said tribunal shall assemble, to proceed in said cause; and at the appointed time and place, said tribunal shall meet and proceed to re-try said cause or to enter up judgment therein, pursuant to the certified decision of the supreme court.

SEC. 5. The parties in said cause shall be bound to follow the same from the supreme court to the tribunal where it originated, without further notice.

SEC. 6. The court or magistrate rendering judgment shall require of the party to a criminal cause or proceeding raising a constitutional question, a recognizance, and of such party to a civil cause or proceeding, a bond, in the sum of one hundred dollars, with sufficient surety, with condition that he will follow said cause to the supreme court, and thence to the tribunal where it originated, and appear before said tribunal at the time and place appointed by the supreme court, and abide or perform the final judgment or sentence of said tribunal in said cause; and upon the refusal or neglect of the party to give such recognizance or bond, shall proceed as if no such question had been raised.

SEC. 7. If the party raising such constitutional question shall not appear before the supreme court at the time and place to which the cause in which it shall be raised shall have been certified to said court, said cause shall be remanded to the tribunal where it originated, as in the fourth section of this chapter is provided, and said tribunal shall then proceed in said cause in the same manner as though such question had not been raised in said cause.

SEC. 8. All the expenses arising in the procuring of the decision of any constitutional question as aforesaid, shall enter into and make a part of the costs in the suit in which the question is raised.

SEC. 9. If the party against whom any court or magistrate shall render judgment in a cause in which a constitutional question shall be raised, have a right of appeal to any other tribunal, such right shall not be affected by the preceding provisions of this chapter, but may be exercised within the same time after the entering up of judgment in the cause, pursuant to the decision of the constitutional question by the supreme court, and in the same manner,

and upon the same terms, as is or may be provided by law, in similar cases, in which no such question is raised.

SEC. 10. Any person convicted of an offence in any criminal proceeding, commenced in, or brought by appeal before the court of common pleas, and either party to a civil suit, or suit in form civil, including suits for flowage caused by mill-dams, commenced in or brought by appeal before such court, upon which judgment shall be rendered, may, if there be no appeal from such conviction or judgment to the supreme court, and if such convict or party be aggrieved by any opinion, direction, ruling, or judgment of the court of common pleas on any matter of law raised by the pleadings, or by an agreed statement of facts, or apparent upon or brought upon the record by a bill of exceptions, shall be entitled to have such matter of law heard before, and decided by the supreme court, for the same county in which such conviction shall be had or judgment rendered.

SEC. 11. Either party aggrieved by any opinion, direction, ruling, or judgment of a special court of common pleas in any matter of law raised by the pleadings, or by an agreed statement of facts, or apparent upon or brought upon the record by a bill of exceptions, shall be entitled to have such matter heard before and decided by the supreme court in the same county, provided such right be claimed in open court, and bond to prosecute be filed, and motion for time to present to the justice trying the cause a bill of exceptions, if a bill of exceptions be necessary, made within three hours after the rendition of judgment in the action.

SEC. 12. In case such right be claimed by a defendant to an action in such special court, he shall, in addition to the ordinary bond to prosecute, within three hours as aforesaid, give bond to the plaintiff with sufficient surety or sureties to the satisfaction of said justice, in such sum as the justice may order, that he will pay all rent or other moneys due or which may become due pending the action, and such damages and costs as may be awarded against him.

SEC. 13. Every bill of exceptions shall be summarily drawn up in writing by the person or party aggrieved, or by his counsel, and shall be presented to the judge who shall have tried the cause, within five days of the time of conviction in a criminal proceeding, and of judgment in a civil cause, or cause in form civil, if the court shall so long continue in session, and if not, during the session of the court, unless, for cause shown, further time be given, and shall be allowed and signed by such judge.

SEC. 14. Such judge may, in any civil cause, or cause in form civil, upon notice and for cause shown, extend the time for presenting such bill of exceptions for allowance, to any time within five days after the termination of the term at which judgment shall have been rendered.

SEC. 15. In case the judge trying the cause or proceeding shall, for any reason, be unable to allow and sign a bill of exceptions, or shall refuse so to do, the matter of the same may be proved by affidavits, subject to counter affidavits, to the satisfaction of the

supreme court, with the same effect as if such bill of exceptions had been allowed and signed by the judge.

SEC. 16. All bills of exception shall be filed with the clerk below, during the term at which the cause shall have been tried, or, in case of special allowance of time, within five days of the time of the allowance, and signature thereof by the judge.

SEC. 17. The person convicted or party aggrieved in matter of law by any opinion, decision, ruling, other than one concerning the constitutional validity of any act of the general assembly, brought in question in the causes or judgment as aforesaid, may and shall enter into recognizance, or give bond, and proceed in and enter the cause at the next term of the supreme court for the county, if a criminal proceeding, in the same manner, and subject to like liabilities as provided in case of criminal appeals from magistrates and justices of the peace to the court of common pleas; and if a civil cause, or cause in form civil, in the same manner, in all respects as provided in case of appeals from the court of common pleas to the supreme court.

SEC. 18. In all such proceedings and causes, duly entered by the person convicted or the party aggrieved, in the supreme court, the court, in a civil cause, or cause in form civil, may affirm the former judgment with additional debt, penalty, or damages at the rate of six per cent. per annum, or may reverse the same in whole or part, or may, in a proceeding or cause, civil or criminal, after deciding all the questions of law raised therein, remit the same to the court of common pleas for trial or new trial, or may order a new trial to be had in the supreme court; and in such cases may enter such judgment, order, sentence or decree, and take such order therein as the court of common pleas ought to have done, and shall cause such other proceedings to be had in the cause, as to law and justice shall appertain.

SEC. 19. In case of neglect duly to enter and file the copy in any such proceeding or cause, in the supreme court, like proceedings shall be had in all respects and with like effect, as provided in like cases against persons convicted, and parties who neglect duly to prosecute appeals, and the supreme court may and shall proceed in like manner to carry the conviction or judgment into full effect, with additional costs.

CHAPTER 193.

OF NEW TRIALS.

SECTION
1. New trial, of course, in supreme court, when, and on what terms to be had.
2 and 3. Power of supreme court to grant trial or new trial.
4 and 5. Notice of application for new trial, when to be given.
6. New trial, where to be had.
7. Property attached and bail when dis-

SECTION
charged, by application for new trial.
8. Power of supreme court to grant new trials in cases before special courts, probate courts, justices' courts, and on indictments.
9. Power of court of common pleas to grant trial or new trial.
10 and 11. Adverse party, when entitled to notice of application for.
12. Property attached and bail, when holden to respond to judgment on new trial.
13. Petitions for trial, new trial in what county to be heard and tried.
14. Action, in which new trial granted; when to be entered, and consequences of neglect to enter and of non-compliance with terms of grant.

SECTION 1. In all cases in which actions originally commenced in the supreme court shall be answered, the plaintiff against whom a verdict has been rendered, shall, by filing a written motion with the clerk of the court in which such verdict is rendered, within forty-eight hours after the rendition of such verdict and payment of the entry fixed by law for the entry of appeals in the supreme court, be entitled, as of course, to a new trial in such action; and the defendant shall in such case be entitled to a like new trial, upon like motion, and upon payment to the clerk of the costs of the plaintiff in addition to the entry; such payment to be made, in either case, at the time of filing such written motion.

SEC. 2. Whenever it shall be made to appear, to the satisfaction of the supreme court, by any party or garnishee in a suit which shall have been tried or decided therein or which shall have been tried or decided in the court of common pleas, within one year previous to such application, that by reason of accident, mistake or any unforeseen cause, judgment has been rendered in such suit, on discontinuance, nonsuit, default, or report of referees, or that such party or garnishee had not a full, fair and impartial trial in such suit, and thereupon shall think it reasonable to grant a trial, or in case a trial has been had in such case, to grant a new trial therein, they shall have power to grant or to refuse to grant the same, upon such terms and conditions upon either party, as they shall prescribe.

SEC. 3. The supreme court shall have like power to grant, or refuse to grant a new trial in any case in which there has been a trial by jury, for reasons for which new trials have been usually granted at common law.

SEC. 4. If the application for such trial or new trial of a suit decided in the supreme court shall be made at the same term in which such suit shall have been tried or decided, the adverse party shall be holden to answer the same, without further notice thereof.

SEC. 5. If such application shall be made at any other term of said court in a suit decided therein, or shall be made in a suit decided in the court of common pleas, notice thereof shall be given to the adverse party, in such manner as the court shall, by general rule or otherwise, direct, to appear at such time as the court shall appoint to answer the same.

SEC. 6. Whenever a trial or a new trial shall be granted, the

same shall be had before any court in any county, at such term thereof, and under such restrictions and conditions, as the supreme court may prescribe.

SEC. 7. If the application for a new trial shall be made by the plaintiff, no goods or chattels or real estate attached, or bail given upon the original writ, shall be holden to respond to the judgment in such case, unless the application for a new trial be made at the term in which such cause shall have been decided, if in the supreme court; but if the same shall have been decided by the court of common pleas, the plaintiff shall file his petition for a trial, or a new trial, with the clerk of the supreme court for the same county, and notify the adverse party thereof within ten days after the rising of the court at which the same shall have been decided, or the bail or property aforesaid shall be discharged.

SEC. 8. The supreme court shall and may exercise the same powers in granting a trial in all cases decided at a special court of common pleas, or before any justice of the peace, if no trial shall have been had therein, and may exercise the like powers in granting a trial in all cases decided by any probate court, wherein the party shall have neglected to prosecute his appeal according to law; and shall also have power in their discretion, on the petition of the accused, to grant trials or new trials upon indictments or other criminal prosecutions in which verdict or judgment shall have been rendered against such petitioner: *Provided*, application therefor shall be made within one year after such cause shall have been tried or decided.

SEC. 9. Whenever it shall be made to appear to the satisfaction of the court of common pleas, by any party in any suit commenced in said court in which there is not by law a right of appeal, or in any suit brought into said court by appeal from a justices' court, and which shall have been tried and decided in said court of common pleas, within one year previous to such application, that by reason of any accident, mistake or unforeseen cause, judgment has been rendered in such suit on discontinuance, nonsuit, default or report of referees, or that such party had not a full, fair and impartial trial in such suit, and the court shall thereupon think it reasonable to grant a trial, or in case a trial has been had in such case to grant a new trial therein, they shall have power to grant or to refuse to grant the same, upon such terms and conditions upon either party, as the said court shall prescribe.

SEC. 10. If the application for such trial or new trial shall be made at the same term in which such suit shall have been tried or decided, the adverse party shall be holden to answer the same, without further notice.

SEC. 11. If such application shall be made at any other term of said court, notice thereof shall be given to the adverse party in such manner as shall be directed by general rule, or otherwise in such manner as the court may direct.

SEC. 12. If the application for a new trial shall be made by the plaintiff, no goods or chattels attached or bail given upon the original writ, shall be holden to respond to the judgment in such case,

unless the application for a new trial be made at the term of said court in which such cause shall have been decided.

SEC. 13. All petitions for a trial or new trial shall be filed, heard and tried only in the county in which the original suit or prosecution was commenced or tried.

SEC. 14. If any party shall obtain a trial or new trial in any cause by order of the supreme court or court of common pleas, and shall neglect to enter such action for trial on the first or second day of the court at which such trial was to be had by such order, or at the time which such order shall prescribe, or shall not otherwise comply with the terms of such order, the adverse party may enter his complaint, and the said court shall thereupon affirm the last judgment rendered in said cause, with interest, if damages or debt were therein recovered, and additional costs.

TITLE XXVIII.

Of Executions and Service of Executions, of Proceedings by and against Bail, of Imprisonment of Debtors, and the relief of Poor Debtors and Insolvents.

CHAPTER 194. Of executions.
CHAPTER 195. Of the service of executions.
CHAPTER 196. Of proceedings by and against bail.
CHAPTER 197. Of imprisonment of debtors, and of jail limits and jail bonds.
CHAPTER 198. Of the relief of poor debtors.
CHAPTER 199. Of poor tort debtors.
CHAPTER 200. Of the relief of insolvents.

CHAPTER 194.

OF EXECUTIONS.

SECTION
1. Executions, in what name issued, and how signed, sealed, tested and to run.
2. When to be issued, of course.
3. Of issue of, by special orders in supreme court.

SECTION
4. Of issue of, by special order of court of common pleas.
5. Power of supreme court and court of common pleas to stay execution.
6. Execution of justice's court, when to issue.
7. Issue of executions, limitation of.
8. Remedy in case of loss or destruction of executions.
9. Executions of supreme court and of court of common pleas, when returnable and how.
SECTION
10. Justices' executions, when and how.
11. Execution, what payment to be made before demandable.
12. Time of judgment to be noted on, when.
13. Of execution against females.
14. Form of execution of supreme court and court of common pleas.
15. Form of writs of possession.
16. Form of justice's execution.
17. Power of court to vary form of execution.

SECTION 1. Executions issued by the supreme court or court of common pleas, shall issue in the name of the state of Rhode Island and Providence Plantations, and shall be signed, sealed, bear teste, and run throughout the state, in like manner as original writs.

SEC. 2. They shall be issued on judgments rendered by said courts, at the expiration of five days next after the rising of the court at which judgment shall have been rendered, unless otherwise ordered.

SEC. 3. The supreme court may, in their discretion, on motion, direct execution to issue at any time during the term of the court at which judgment shall be rendered.

SEC. 4. The court of common pleas may, on motion, direct execution to issue at any time during the term of the court at which judgment shall be rendered, on any judgments rendered therein, in cases in which there is, by law, no appeal, and in the trial of which no questions of law, by statement of facts, upon demurrer, by exceptions to the ruling of the court, or otherwise, are raised, or in which, there being a right of appeal, or questions of law being raised as aforesaid, the appellant shall not, within the time prescribed by law, have given bond as required in cases of appeal; or in case of a bill of exceptions, shall not have presented the same to the court for allowance, or filed the same as allowed, within the time prescribed by law, or appointed by the court.

SEC. 5. The supreme court or court of common pleas may, upon motion, and for cause shown, stay execution upon any judgment or decree rendered in said court, until further order.

SEC. 6. No execution shall issue, on any judgment rendered by a justice of the peace, or court or magistrate exercising the jurisdiction of a justice of the peace, within five days from the day such judgment was rendered.

SEC. 7. Executions, original or alias, may be issued by any court, justice or magistrate authorized to issue such executions, at any time within six years from the rendition of the judgment originally, or from the return day of the last execution.

SEC. 8. Any judge of the supreme court, at any time, on application made to him by the plaintiff in any original, alias or pluries

execution, issued from the clerk's office of the supreme court or court of common pleas in any county, which has been lost or destroyed previous to the satisfaction thereof, upon proof to his satisfaction of the loss or destruction of such execution, after giving such notice as he may think proper to the defendant in such execution, may authorize the clerk of the court, from whose office said execution was issued, to issue another execution in the place of the one so lost or destroyed.

SEC. 9. Every execution issued by the supreme court, or by the court of common pleas, shall be made returnable to the next succeeding term thereof, and shall be returned by the officer charged therewith, within five days from the day appointed by law for the sitting of the court from whence it issued; and if such officer shall not return the same within that time, he shall be liable therefor, as by law prescribed.

SEC. 10. Executions issued by justices of the peace, or courts or magistrates exercising the jurisdiction of justices of the peace, shall be returnable in three months after the date thereof, and shall be returned to the justice who issued them, if he then retains his office, and if not, to the town clerk.

SEC. 11. No execution can be demanded until the clerk's fees, or justice's fees, have been paid.

SEC. 12. The clerks of the supreme court and court of common pleas, shall note on the margin of every execution, the time when the judgment recited in the same was rendered; also, whether the execution was awarded against the defendant, in any suit brought against him for trespass or other injuries attended with force, or for any malicious injury to the person, health, liberty or reputation of the plaintiff in the suit.

SEC. 13. No execution shall issue against the body of any female, on any judgment founded on a contract not under seal, where the debt or damages do not exceed fifty dollars; but in such case the execution shall issue against the goods and chattels or real estate of the female against whom such judgment shall have been rendered.

SEC. 14. Writs of execution issued by the supreme court or court of common pleas shall be substantially in the following form: —

The state of Rhode Island and Providence Plantations.

[SEAL.] SC. — *To the sheriffs of our several counties or to their deputies greeting:* —

Whereas of by the consideration of our court of holden at within and for our county of on the Monday of recovered judgment against of for the sum of debt or damages and costs of suit, as to us appears of record, whereof execution remains to be done: we command you, therefore, that of the goods and chattels and real estate of the said within your precinct, you cause to be levied and paid unto the said the aforesaid sums, being in the

whole, with twenty-five cents more for this writ; and thereof also to satisfy yourself for your own fees: and for want of the goods and chattels and real estate of the said to be found in your precinct, to satisfy and pay the same as aforesaid, we command you to take the body of the said and commit unto our county jail in your precinct, therein to be kept until pay the full sums above mentioned, with your fees, or that be discharged by the said or otherwise by order of law. Hereof fail not, and make true return of this writ and of your doings thereon, to our next to be holden at within and for our county of on the Monday of next. Witness, Esq., at this day of in the year .

Clerk.

SEC. 15. Writs of possession shall be substantially in the following form: —

The state of Rhode Island and Providence Plantations.

[SEAL.] SC. — *To the sheriffs of our several counties or to their deputies greeting:* —

Whereas by the consideration of our court holden at within and for our said county of on the Monday of recovered judgment for the possession of with the privileges and appurtenances thereto belonging, against who had unjustly withholden him from the possession thereof; and also, by the consideration of the same court recovered judgment against the said for the sum of costs of suit, as to us appears of record, whereof execution remains to be done: we command you, therefore, that without delay, you cause the said to have possession of and in the said with the privileges and appurtenances thereunto belonging. We also command you, that of the goods and chattels and real estate of the said within your precinct, you cause to be levied and paid to the said the aforesaid sum of with twenty-five cents more for this writ; and thereof also to satisfy yourself for your own fees: and for want of the goods and chattels and real estate of the said to be found in your precinct, to satisfy and pay the same as aforesaid, we command you to take the body of the said and commit to our county jail in your precinct, therein to be kept until pay the full sum above mentioned, with your fees, or that be discharged by the said or otherwise by order of law. Hereof fail not and make true return of this writ and of your doings thereon, to our next to be holden at within and for our county of on the Monday of next. Witness, Esq., at this day of in the year .

Clerk.

SEC. 16. Writs of execution issued by justices of the peace and courts and magistrates exercising the jurisdiction of a justice of the peace, shall be substantially in the following form: —

Execution to be issued by a Justice of the Peace.

The state of Rhode Island and Providence Plantations.

[SEAL.] SC.— *To the sheriff, his deputy, or to either of the town sergeants or constables in the county of greeting:* —

Whereas at a justice's court holden at on the day of recovered judgment of said court against for the sum of debt (or damages,) and costs of suit, taxed at as of record of said court doth appear; which sums, in the whole, amount to for which execution remains to be done: We command you, therefore, that of the goods and chattels and real estate of the said within your precinct you levy the said sum of together with for this execution, as also your lawful fees for serving the same, and therewith satisfy and pay the said ; and for want of sufficient goods and chattels and real estate of the said to be by you found, to satisfy and pay the same sums as aforesaid, we command you to take the body of the said into your custody, and safely secure in our jail in until satisfy and pay the said the sums aforesaid and your fees, or until be by the said therefrom discharged, or otherwise by order of law. Hereof fail not, and make true return of this writ, in three months from the date hereof, and of your doings thereon. Given under my hand and seal, at aforesaid, this day of in the year .

Justice of the Peace.

SEC. 17. In cases where by law execution doth not run against the body, or other form of execution is specially directed, or is necessary to conform to law, the court, justice or magistrate issuing the execution shall vary from the above forms so far as may be necessary.

CHAPTER 195.

OF THE SERVICE OF EXECUTIONS.

SECTION

1. Penalty for seizing body of deceased person.
2. Of set-off of executions in hands of of officer.
3. Personal property mortgaged, when and how to be levied.
4. Such property when levied, how to be levied.
5. Proceeds of sale of such property, how to be applied.
6. Right of plaintiff in execution to redeem such property.
7. Redemption of, to save levy, when to be made.

SECTION

8. Goods and chattels levied, how to be kept, sold, — notice of sale, and owner's right to relieve from levy.
9. Application of proceeds of sale of goods levied.
10. Executions, when to be levied on real estate.
11. Notifications of levy and sale of real estate, and right to redeem.
12. Power of officer to adjourn sale of.
13. How much real estate to be sold on levy; how title in to be vested, and surplus arising from sale of, how to be disposed of.

SECTION
14. Sale of real estate on execution may be made after return day.
15. Form of sheriff's deed of real estate sold on execution.
16. Time of attachment to be inserted in deed.
17. Execution, how levied on corporate stock attached.
18. Sale of such stock, how to be advertised, and title to, how given.
SECTION
19. Execution on corporate stock not attached, how levied.
20 and 21. Executions against corporations, how to be levied and collected.
22. Order of satisfaction of executions levied.
23. Time of levy to be set forth in return.
24. Interest on executions when collectable.
25 and 26. Execution against sheriff, how served.

SECTION 1. The body of any deceased person shall not be liable to be taken for debt or damages on execution or upon any process whatever; and if any officer shall, under color of any execution or process, seize or take the body of any deceased person for debt or damages, he shall, upon conviction, be fined not exceeding five hundred dollars, or be imprisoned not exceeding six months, at the discretion of the court.

SEC. 2. If any officer shall, at the same time, have two or more executions delivered to him to serve, in which the parties shall be reversed, and shall sue and be sued in the same right and capacity, he shall set off the debts or damages in the same, and levy and collect the balance only that shall remain due thereon, with the costs on all said executions.

SEC. 3. Personal estate, when mortgaged and in the possession of the mortgagor, and while the same is redeemable either at law or in equity, may be levied on by execution against the mortgagor, in the same manner as on his personal estate.

SEC. 4. When levied on, whether by virtue of an attachment or otherwise, it shall be sold by the officer as in other cases of levies on personal property on executions.

SEC. 5. The proceeds of the sale shall be applied to the payment of the amount due on the mortgage, with such deduction for interest for the anticipated payment or allowance for damages for such anticipated payment, as may be ascertained and allowed by the court to which the execution is returnable, and the balance shall be applied to the payment of the amount due on the execution.

SEC. 6. In case of such levy, the plaintiff in execution may redeem the mortgaged property in the same manner as the mortgagor might have done; and upon such redemption shall have the same lien on the property for the amount paid by him, with interest, as the mortgagee had.

SEC. 7. If the mortgage be not redeemed by the plaintiff, or sold as before mentioned, before the time of redemption expires, the attachment shall become void.

SEC. 8. In all cases when execution shall be levied on any goods or chattels, such goods and chattels shall be kept in the officer's hands, and be advertised at least ten days before they shall be exposed and offered for sale, in order that the person who owned such goods or chattels may, if he thinks fit, pay the money

due, together with the costs which shall have accrued thereon, and thereupon have his said goods or chattels restored to him again.

SEC. 9. In case such owner shall not redeem them as aforesaid, the officer shall sell the same at public auction, to the highest bidder; and if any overplus shall remain after the debt or damages, and costs and charges are paid, the same shall be delivered by the officer to the owner, or to any person legally qualified on his behalf, to receive the same.

SEC. 10. When the goods and chattels of the defendant sufficient to answer the amount of the execution, cannot be found by the officer charged with the service thereof, his real estate may be levied on by execution; but when real estate is attached in the original writ, the word "attached" shall be inserted in the execution after the words "and real estate."

SEC. 11. The officer charged with the service of the execution, if he shall levy the same on real estate, shall set up notifications of said levy, in three or more public places in the town where said real estate lies, for the space of three months after such levy, and before the same shall be exposed to sale, notifying all persons concerned of the levy, and intended sale of said estate, that the owner thereof may have an opportunity to redeem the same; and he shall also notify said sale, by causing an advertisement thereof to be published, once a week, for the space of three weeks next before the time of such sale, in some newspaper in the county where said estate lies; and if no newspaper be printed therein, then in some newspaper printed in Newport or Providence.

SEC. 12. In case of accidents or extraordinary storms or tempests, it shall and may be lawful for the sheriff, from time to time, to adjourn the sale of the estate levied on, giving one week's notice thereof in manner aforesaid.

SEC. 13. If no person appear to redeem the said estate, the officer shall sell the same, or so much thereof as shall be sufficient to satisfy the judgment obtained, and the costs and charges, at public auction; and a deed thereof, by him given, shall vest in the purchaser all the estate, right and interest which the debtor had therein at the time such estate was attached, or, in case there were no attachment, levied on, as aforesaid; and the surplus of the money that shall arise from the sale of said estate, after satisfying the execution and the costs and charges, shall be lodged in the general treasury for the owner thereof, and be liable to be attached for his other debts.

SEC. 14. Such sale shall be made under the execution levied thereon, although the return day thereof may have passed.

SEC. 15. The following shall be substantially the form of the deed to be given when real estate is levied upon and sold as aforesaid, that is to say: —

To all people to whom these presents shall come,

send greeting: —

Whereas, an execution against at the suit of was by me the said on the day of levied on (here de-

SECTION
14. Sale of real estate on execution may be made after return day.
15. Form of sheriff's deed of real estate sold on execution.
16. Time of attachment to be inserted in deed.
17. Execution, how levied on corporate stock attached.
18. Sale of such stock, how to be advertised, and title to, how given.
SECTION
19. Execution on corporate stock not attached, how levied.
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24. Interest on executions when collectable.
25 and 26. Execution against sheriff, how served.

SECTION 1. The body of any deceased person shall not be liable to be taken for debt or damages on execution or upon any process whatever; and if any officer shall, under color of any execution or process, seize or take the body of any deceased person for debt or damages, he shall, upon conviction, be fined not exceeding five hundred dollars, or be imprisoned not exceeding six months, at the discretion of the court.

SEC. 2. If any officer shall, at the same time, have two or more executions delivered to him to serve, in which the parties shall be reversed, and shall sue and be sued in the same right and capacity, he shall set off the debts or damages in the same, and levy and collect the balance only that shall remain due thereon, with the costs on all said executions.

SEC. 3. Personal estate, when mortgaged and in the possession of the mortgagor, and while the same is redeemable either at law or in equity, may be levied on by execution against the mortgagor, in the same manner as on his personal estate.

SEC. 4. When levied on, whether by virtue of an attachment or otherwise, it shall be sold by the officer as in other cases of levies on personal property on executions.

SEC. 5. The proceeds of the sale shall be applied to the payment of the amount due on the mortgage, with such deduction for interest for the anticipated payment or allowance for damages for such anticipated payment, as may be ascertained and allowed by the court to which the execution is returnable, and the balance shall be applied to the payment of the amount due on the execution.

SEC. 6. In case of such levy, the plaintiff in execution may redeem the mortgaged property in the same manner as the mortgagor might have done; and upon such redemption shall have the same lien on the property for the amount paid by him, with interest, as the mortgagee had.

SEC. 7. If the mortgage be not redeemed by the plaintiff, or sold as before mentioned, before the time of redemption expires, the attachment shall become void.

SEC. 8. In all cases when execution shall be levied on any goods or chattels, such goods and chattels shall be kept in the officer's hands, and be advertised at least ten days before they shall be exposed and offered for sale, in order that the person who owned such goods or chattels may, if he thinks fit, pay the money

due, together with the costs which shall have accrued thereon, and thereupon have his said goods or chattels restored to him again.

SEC. 9. In case such owner shall not redeem them as aforesaid, the officer shall sell the same at public auction, to the highest bidder; and if any overplus shall remain after the debt or damages, and costs and charges are paid, the same shall be delivered by the officer to the owner, or to any person legally qualified on his behalf, to receive the same.

SEC. 10. When the goods and chattels of the defendant sufficient to answer the amount of the execution, cannot be found by the officer charged with the service thereof, his real estate may be levied on by execution; but when real estate is attached in the original writ, the word "attached" shall be inserted in the execution after the words "and real estate."

SEC. 11. The officer charged with the service of the execution, if he shall levy the same on real estate, shall set up notifications of said levy, in three or more public places in the town where said real estate lies, for the space of three months after such levy, and before the same shall be exposed to sale, notifying all persons concerned of the levy, and intended sale of said estate, that the owner thereof may have an opportunity to redeem the same; and he shall also notify said sale, by causing an advertisement thereof to be published, once a week, for the space of three weeks next before the time of such sale, in some newspaper in the county where said estate lies; and if no newspaper be printed therein, then in some newspaper printed in Newport or Providence.

SEC. 12. In case of accidents or extraordinary storms or tempests, it shall and may be lawful for the sheriff, from time to time, to adjourn the sale of the estate levied on, giving one week's notice thereof in manner aforesaid.

SEC. 13. If no person appear to redeem the said estate, the officer shall sell the same, or so much thereof as shall be sufficient to satisfy the judgment obtained, and the costs and charges, at public auction; and a deed thereof, by him given, shall vest in the purchaser all the estate, right and interest which the debtor had therein at the time such estate was attached, or, in case there were no attachment, levied on, as aforesaid; and the surplus of the money that shall arise from the sale of said estate, after satisfying the execution and the costs and charges, shall be lodged in the general treasury for the owner thereof, and be liable to be attached for his other debts.

SEC. 14. Such sale shall be made under the execution levied thereon, although the return day thereof may have passed.

SEC. 15. The following shall be substantially the form of the deed to be given when real estate is levied upon and sold as aforesaid, that is to say: —

To all people to whom these presents shall come,

send greeting: —

Whereas, an execution against at the suit of was by me the said on the day of levied on (here de-

scribe the premises,) and whereas on the day of all the estate, right, title, interest and property of the said in the premises aforesaid, were by me the said sold at public auction, for the satisfaction of the said execution, to who was the highest bidder, for the sum of which the said hath since well and truly paid to me the said . Now know ye, that by force and virtue of the law in such case made and provided, I the said in consideration of the sum of money paid unto me as aforesaid, do, by these presents, bargain, sell, assign and set over unto the said heirs and assigns forever, all the estate, right, title, interest, property, freehold and inheritance of the said of, in and to the said premises and appurtenances at the time of the levy thereon; To have and to hold the said premises and appurtenances to the said heirs and assigns forever. In witness, &c.

SEC. 16. When attachment shall have been made by original writ, the officer shall insert the time thereof, and vary his deed accordingly.

SEC. 17. When execution issues against a defendant whose stock or shares in any body corporate established within this state shall have been attached, the officer charged therewith shall serve a copy of the same, if a bank, upon the cashier thereof, if an insurance company, upon the president or secretary thereof, and if any other corporate body, upon the treasurer thereof or person executing the duties of treasurer, which shall be deemed a good and sufficient levy of such execution upon the stock or shares of the defendant in such company.

SEC. 18. The said stock or shares shall be advertised and sold (or so much thereof as shall be necessary) in the same manner as other personal property levied on by execution; and a deed or deeds thereof given by the officer aforesaid shall vest in the purchaser, all the defendant's right, title and interest in such shares so sold as aforesaid, and shall be recorded by the recording officer of such company.

SEC. 19. The stock or shares of any body corporate established without this state, or of any person whatsoever in any incorporated company within this state, shall be liable to be levied on by execution duly obtained, like other personal property; and such execution being directed to the proper officer, according to law, he may levy the same in the manner set forth in the two sections next preceding, upon any stock or shares of the defendant to be found within his precinct, and shall proceed to advertise, and sell, and give deeds thereof, in the manner therein prescribed.

SEC. 20. Whenever final judgment for any sum shall be rendered by any court against any incorporated company, execution on such judgment shall be issued against the goods, chattels and real estate of such corporation; and when any such execution shall be, by the officer charged with the service thereof, returned that he cannot find sufficient property of such corporation whereon to levy the same, it shall and may be lawful for the party in whose favor

such judgment shall have been rendered, to sue out of the clerk's office of the court in which such judgment was rendered, a writ of scire facias against the president and directors, trustees, managers or other like officers of such corporation, if any such there be, and if none, then against so many of the stockholders or members thereof as he may think fit; returnable to the next term of said court.

SEC. 21. On the return thereof, unless such president and directors, trustees, managers, other like officers, stockholders or members shall make it appear that they had not, at the time of the service of such writ of scire facias, within their possession and control, sufficient property of such corporation to satisfy said judgment or any part thereof, said court shall issue execution against such president, directors, trustees, managers or other like officers or stockholders or members, for the amount of such judgment, with interest and costs, as for their own private debt; but if it shall appear that such officers, stockholders or members had property as aforesaid to satisfy part of said judgment only, then an execution as aforesaid shall issue for such amount only and costs.

SEC. 22. In all levies on execution upon real estate, goods and chattels, stock or shares or other subject of levy on execution whatsoever, he who first procures the attachment or levy to be made shall be entitled to have his debt or damages satisfied, before any other demand for which the same may be subsequently attached or levied on by execution at the suit of any other person, and all others in order of their attachments or levies.

SEC. 23. As divers levies of the same real or personal estate may happen to be made on the same day, the officer who shall make any such levy, whether of real or personal estate, shall be obliged in his return to set forth the time of the day when such levy was made, to the end that the priority of the attaching and levying creditors may be known.

SEC. 24. Every sheriff, deputy sheriff and town sergeant, charged with the service of any execution issued by the supreme court or court of common pleas, for twenty dollars or upwards, debt or damages, shall levy, collect, receive and pay over, interest on the same debt or damages, from the date so entered on the margin, up to the time of its discharge by him.

SEC. 25. When judgment shall be rendered against any person holding the office of sheriff, the execution issued thereon, directed in the ordinary form, may be delivered to the sheriff or a deputy sheriff of some other county, who is authorized, within the county of the defendant sheriff, to levy on the goods and chattels and real estate of the defendant, as the proper sheriff of the county might do in other cases, and to proceed and sell the same according to law.

SEC. 26. For want of goods and chattels and real estate, such sheriff or deputy shall take the body of the defendant sheriff and him commit to the jail in the county of the committing officer.

CHAPTER 196.

OF PROCEEDINGS BY AND AGAINST BAIL.

SECTION
1. Power of bail to discharge himself pending original action, how to be exercised.
2. Power of, to discharge himself at any time, how.
3. Principal surrendered to courts pending original action; how to be committed, and how long to remain in jail.
4. How committed, after final judgment in original action, and how long to remain in jail.
5. Principal committed, by bail, when entitled to be discharged from jail.
6. Death of principal when discharge of bail.
7. Scire facias against bail, and judgment in.
8. Scire facias against bail in justice's court, when may be sued out of court of common pleas, and of proceedings in.
9. Limitation of writ of scire facias.
10. Remedy of bail against principal.

SECTION 1. Any person who shall become bail in any civil action, either by giving bail bond to the officer serving the writ therein, or by indorsing such writ, may, during the pendency of the action, discharge himself as bail, by bringing his principal into the court in which the action shall be pending, and there delivering him into the custody of such court.

SEC. 2. Such person may also, at any time before final judgment against him, as bail, on scire facias, discharge himself as bail in either of the two following modes:—

First. By committing his principal to the jail in the county in which he became bail, or in which the original writ was returnable; paying or tendering to the creditor or his attorney the costs, if any, which may have accrued on a writ of scire facias against him as bail, and leaving with the keeper of such jail, a certified copy of the original writ and the officer's return thereon, and giving to the plaintiff, if in this state, or his agent or his attorney of record, notice in writing, of the time and place of such commitment, within six days after making the same; or,

Second. By bringing his principal into the court where the writ of scire facias against him as bail shall be pending, before final judgment shall be rendered thereon; paying the costs on such writ of scire facias to the clerk, and delivering his principal into the custody of said court.

SEC. 3. If the principal shall be surrendered by his bail to the court in which the original action is pending, he shall be by said court committed to jail, and there remain to be taken in execution or to be discharged in the same manner as though committed for want of bail in the first instance; and he shall remain in jail in like manner if committed by his bail before final judgment be rendered in such action.

SEC. 4. If the principal shall be committed by the bail to jail

after such final judgment, or if, being surrendered by his bail to the court before which scire facias is pending against the bail he shall be committed by said court to jail, he shall there remain for the space of thirty days, unless sooner discharged by order of law.

SEC. 5. If the principal be not taken in execution within thirty days after final judgment against him when committed for want of bail, or when committed by his bail, or by the court to which his bail shall have surrendered him before such final judgment, or, within thirty days after he shall have been committed by his bail, or by the court to which his bail shall have surrendered him, pending scire facias against his bail, such principal shall be discharged from jail upon payment of prison fees.

SEC. 6. The death of the principal before the return day of the execution against him shall discharge the bail.

SEC. 7. When the principal shall avoid, so that his goods and chattels or real estate cannot be found to satisfy the execution, nor his body be found to be taken thereby, the plaintiff in the original writ may sue out his writ of scire facias against the bail, from the same court wherein final judgment was rendered against the principal, returnable to the term of court which shall commence next after twenty days after such writ shall be served; and in case no legal cause be shown to the contrary, judgment shall be given against the bail for the debt or damages and costs recovered against the principal, with interest and costs, and execution shall be awarded accordingly.

SEC. 8. The plaintiff in any suit wherein judgment shall be rendered at any justice's court, and the amount of debt, costs and interest due upon said judgment shall exceed fifty dollars, shall be entitled to his writ of scire facias against the bail from the court of common pleas in the county in which such judgment shall be rendered; upon which writ the proceedings shall be the same in all respects, as if the judgment had been rendered in said court of common pleas.

SEC. 9. No writ of scire facias shall be served upon the bail unless it be within two years next after the entering up of final judgment against the principal: *Provided*, that if by reason of the absence of the bail from the state, service of the writ of scire facias could not have been made within the time before mentioned, the said writ may be served at any time within two years next after the return of the bail into the state.

SEC. 10. The bail may have remedy by action on the case against his principal for all damages sustained by his becoming bail.

CHAPTER 197.

OF IMPRISONMENT OF DEBTORS AND OF JAIL LIMITS AND JAIL BONDS.

SECTION
1. Liberty of the jail yard, in what cases, and on what conditions granted.
2. Bond in such cases, how given and the condition thereof.
3. Where prisoner may go upon giving bond.
4. How long to have liberty of the yard, if committed on execution, unless an assignment is executed.
5. Liability and duty of the keeper of the jail under such assignment.
6. What, in certain cases, is deemed an escape.
7. Surety in such bond may surrender his principal; effect of, on principal and surety.
8. Judgment on bond, for what to be rendered.
9. Limitation of action on bond.
10. Note of cause of action to be made on execution, and also by officer in his commitment.
11. Effect of neglect to make such note on the liability of the keeper.
12. Assignments during imprisonment, when void.
13. Bonds, &c., for ease of prisoner, void.
14. Limits of jail yards.

SECTION 1. Whenever any person shall be imprisoned for want of bail in any civil action; or upon surrender or commitment by bail in any such action; or for non-payment of any military fine, or state or town tax; or on execution in any civil action, (except on executions awarded in actions on penal statutes or on bonds given in pursuance of the provisions of this chapter, or in any actions of trover, detinue or trespass, other than trespass quare clausum fregit, in which title to the close was in dispute between the parties, and trespass and ejectment;) the sheriff or keeper of the jail may grant to such person a chamber or lodging in any of the houses or apartments belonging to such jail, and liberty of the yard within the limits thereof, upon reasonable payment to be made for chamber room, and upon bond being given by such person as hereinafter provided.

SEC. 2. Such person shall first leave with such sheriff or keeper of the jail, a bond to the creditor, with two or more sufficient sureties, being inhabitants of this state, bounden jointly and severally at least in double the sum for which he is imprisoned, with condition in form following: "That if the above now a prisoner in the jail in within the county of at the suit of shall from henceforth continue to be a true prisoner in the custody, guard and safe-keeping of keeper of the said jail, and in the custody, guard and safe-keeping of his deputy, officers and servants, or some one of them, within the limits of the said jail, and keeping the said jailer advised of the place of his usual residence and abode therein, until he shall be lawfully discharged, without committing any manner of escape or

escapes, during the term of his restraint, then this obligation shall be void, or else shall remain in full force and virtue."

SEC. 3. Any person confined in any jail who may give bond as aforesaid, may go into any building or place within the exterior limits of the yard, complying with said bond and conforming to law.

SEC. 4. No person committed on execution shall have the liberty of the prison yard for more than thirty days after his said commitment, unless he shall within the said thirty days execute an assignment of all his estate of every kind not exempted from attachment by law, and wherever the same may be, to such keeper of said jail, and his successor in said office, and his heirs and assigns, in trust for the equal benefit of all his creditors in proportion to their demands.

SEC. 5. The keeper receiving an assignment as aforesaid shall not be held responsible to any person for any property of any assignor, except such as he has actually received into his possession; provided he shall assign all the interest he shall obtain thereby, to the committing creditor, if a resident of this state, upon his request, or to such person, being a resident thereof, as such creditor shall name, to be held by such creditor or person so named, his heirs, executors, administrators and assigns for the purposes and uses set forth in said deed, and a record of such assignment and of said transfers shall be made by said keeper.

SEC. 6. If any person so committed shall neglect to render himself to the keeper of the jail, in said jail, within said thirty days, or make an assignment as hereinbefore provided, he shall be deemed to have committed an escape under his bond for the liberty of the prison yard.

SEC. 7. Any person who shall become surety in any bond given by any debtor for the liberty of the jail yard as aforesaid, shall have a right at any time to deliver up the principal in said bond to the sheriff of the county in which such debtor may have been committed, or to the keeper of the jail therein, and within such jail; whereupon he shall be detained by such sheriff or keeper in close jail, in the same manner as though he had not been liberated on bond, until he shall give other bond according to the provisions of this chapter, or be otherwise discharged according to law; and none of the sureties, after the principal has been delivered up as aforesaid, shall be liable for any escape thereafter committed by the principal.

SEC. 8. If the creditor shall obtain judgment on such bond for the breach of the condition thereof, he shall recover his just debt with interest from the time judgment was rendered in the original suit, and twelve per cent. interest on such debt for his damages; and the court shall render judgment thereon accordingly.

SEC. 9. No action shall be maintained for the breach of any bond given for the liberty of the jail yard as aforesaid, unless the same be brought within one year after the time such breach was committed.

SEC. 10. Every justice of the peace and the clerk of any court

issuing an execution against any person, shall note on the margin thereof the cause of action on which the same issued; to the end that the keeper of the jail may ascertain whether such person, if committed, be entitled to the liberty of the jail yard; and every officer committing any person to jail on such execution shall note in his commitment the cause of action on which the execution is founded, according to the note or memorandum of the justice of the peace or clerk.

SEC. 11. If no such memorandum be made by such justice or clerk on any execution, or if the officer shall not note the same in his commitment, the keeper of the jail shall be held harmless if he permit the person committed to have the liberty of the jail yard, or discharge him on his producing a certificate of having taken the oath prescribed by law for poor debtors.

SEC. 12. All assignments, transfers and conveyances of property made by a debtor during imprisonment for the payment or security of any debt, except that of the committing creditor, shall be utterly void, unless made for the benefit of all his creditors in proportion to their respective demands.

SEC. 13. If any sheriff, deputy sheriff, town sergeant, constable or keeper of any jail, shall take or receive from any prisoner in his custody, any bond, obligation, covenant, promise or assurance whatever, to indemnify and save harmless the person taking the same, for the enlargement or ease of such prisoner, in any other form or manner than is prescribed by law for taking bail on mesne process in a civil action, or is prescribed in this chapter, every such bond, obligation, covenant, promise or assurance whatever shall be utterly void.

SEC. 14. The limits of each county shall be the limits of the jail yard thereof.

CHAPTER 198.

OF THE RELIEF OF POOR DEBTORS.

Relief of debtors imprisoned.

SECTION
1. Persons imprisoned for debt may apply for relief, to whom and in what cases.
2. Citation to creditor on such application.
3. Citation, how served.
4. Board of prisoner, in case of personal service, when and to whom to be paid.
5. Officer's return, what to set forth.
6. Board in case of service by copy, when and to whom to be paid.
7. Future board, when, to whom and how long to be paid.
8. Duty of keeper upon default in payment of board.
9. Board paid to be added to costs, and to be paid by prisoner.
10. Proceedings on hearing of citation, and when and by whom oath may be administered.
11. Form of oath.
12. Form of certificate of oath, and by whom given.

SECTION
13. Duty of keeper on receiving such certificate.
14. Prisoner not to be detained for fees.
15. Liability of keeper under assignment from person allowed the oath.
16. Persons excepted from the provisions of the first section.
17. When debtor is not entitled to another citation.

Relief before the court.

18. When oath may be administered by court before which action is pending.
19. Application for citation, to whom made.
20. How served and returned.
21. Hearing on such citation.
22. Execution, how to run if oath is administered.

SECTION
Debtors liable to imprisonment on execution.

23. Defendant in execution may apply for citation to his creditor.
24. Citation, how served.
25. Proceedings upon return of such citation.
26. Effect of taking the oath in such case.
27. Certificate of oath, how and by whom given.
28. Assignments, when and to whom to be made, and copies where to be filed.
29. Who deemed the creditor under this chapter, and what the effect of a discharge.
30. Who may adjourn the hearing on a citation.
31. Members of Narragansett tribe within the provisions of this chapter.

Relief of debtors imprisoned.

SECTION 1. Any person who shall be imprisoned for debt, whether on mesne process or execution, or for non-payment of military fine, or town or state taxes, or on execution awarded against him as defendant in any action of trespass and ejectment, or trespass quare clausum fregit, in which title to the close was in dispute between the parties, may complain to any justice of the supreme court or to any justice of the peace in the county where such person shall be committed, that he has no estate, real or personal, wherewith to support himself in jail, or to pay jail charges, and may request to be admitted to take the poor debtor's oath.

SEC. 2. Such justice shall forthwith issue a citation to the creditor, if within this state, or if such creditor does not live within this state, then to his agent or attorney of record within this state, to appear at such time and place as the said justice shall appoint, to show cause, if any he have, why the person complaining as aforesaid should not be admitted to take such oath.

SEC. 3. The citation shall be served on the creditor, his agent or attorney as aforesaid, seven days at least before the time appointed as aforesaid, by reading the same to him, or by leaving an attested copy at his last and usual place of abode, by the sheriff, his deputy or either of the town sergeants or constables in the county in which such creditor, his agent or attorney shall reside.

SEC. 4. Such creditor, his agent or attorney as aforesaid, shall, if personally served with said citation, upon reasonable demand therefor pay to the officer serving the same, the sum of two dollars for the past and future board of such prisoner in full to the return day of such citation, which sum the officer shall immediately pay over to the keeper of the jail to which said prisoner is committed.

SEC. 5. The officer serving any creditor, his agent or attorney,

with a citation by personal service, shall set forth in his return thereon, that he has demanded as aforesaid of the person so served the sum of money for the past and future board of such prisoner provided by law, and that the person so served has paid, or neglected and refused to pay the same, as the case may be; and unless it appear by the return of the officer upon the citation, that the money has been demanded and refused as aforesaid, the prisoner shall not be entitled to his discharge.

SEC. 6. If service of the citation is made by leaving a copy thereof, the person served therewith shall pay the sum as aforesaid to the keeper of said jail, within twenty-four hours after such service.

SEC. 7. The creditor, his agent or attorney as aforesaid shall, in addition, pay to the keeper of said jail the sum of two dollars per week for the future board of such prisoner, counting the first week for said last-mentioned payment from and including the day on which said citation is made returnable; which payment in advance shall continue thereafter to be made by such creditor, during the time the said prisoner shall be detained at his suit.

SEC. 8. In case of any default on the part of such creditor, his agent or attorney, to make payment as aforesaid, the keeper of said jail shall discharge such prisoner from jail, stating in his formal discharge on the jail book, the reason thereof: *Provided*, that no prisoner shall be discharged by reason of such default who has been refused the poor debtor's oath, and who shall, at the time of such default, have the liberty of the jail yard.

SEC. 9. The amount paid by the creditor for the board of the person imprisoned at his suit, shall be added to and form a part of the costs of commitment and detention, and as such costs shall be paid by the prisoner in the then existing or any future proceeding which may be lawfully instituted against him for the recovery of the debt and costs of said suit.

SEC. 10. Any justice of the supreme court with any justice of the peace in the county where the prisoner is committed; or any justice of the court of magistrates in the city of Providence with any justice of the peace in the county of Providence, (when the prisoner shall be committed in said county;) or any two justices of the peace in any other county in which the prisoner is committed, may, at the time and place appointed as aforesaid, examine the return of said citation, and if it shall appear to have been duly served, may administer the oath hereinafter prescribed to the party imprisoned as aforesaid, if, after fully examining the prisoner under oath, and hearing the parties, the said justices shall think it proper so to do: *Provided*, such applicant shall then and there first make and execute a deed of assignment of all his estate of every kind, and wherever the same may be, except what is exempted from attachment by law, to such keeper and his successor in his said office and his heirs and assigns in trust, for the benefit of all his creditors in proportion to their respective demands.

SEC. 11. The oath to be administered in such a case shall be as follows: I do solemnly swear, (or affirm,) that I have not any es-

tate, real or personal, in possession, remainder or reversion, over ten dollars, (or except what is exempt from attachment by law,) and that I have not, since the commencement of this suit against me, or at any other time, directly or indirectly, sold, leased or otherwise conveyed or disposed of to, or intrusted any person or persons whomsoever with, all or any part of the estate, real or personal, whereof I have been the lawful owner or possessor, with any intent or design to secure the same, or to receive, or to expect any profit or advantage therefrom, for myself or for any of my children or family, or any other person; or have caused or suffered to be done any thing else whatsoever, whereby any of my creditors may be defrauded; so help me God: (or, this affirmation I make and give upon peril of the penalty of perjury.)

SEC. 12. The oath aforesaid being administered by said justices, and taken by said prisoner, the said justices shall deliver to him a certificate thereof, under their hands and seals, in the following form:—

To keeper of the jail at in the county of We, the subscribers, authorized by the statute in such case made and provided, do certify, that a poor prisoner confined upon mesne process, (or otherwise as the case may be,) in the prison at aforesaid, has caused the party at whose suit he was so confined, to be notified according to law, of his the said desire of being admitted to take the poor debtor's oath; that in our opinion the said has not any estate, either real or personal, except what is exempt from attachment by law, (or over ten dollars, as the case may be;) and that he has not conveyed or concealed his estate with design to secure the same to his own use, or to defraud his creditors; and that we have, after due caution to the said administered to him the oath, (or affirmation,) prescribed by law to be administered to poor debtors.

Witness our hands and seals this day of A. D.

{ Justice of the supreme court, (or
{ Justice of the court of magistrates,)
{ Justice of the peace.

SEC. 13. Whenever any prisoner shall present such a certificate, as is prescribed in the next preceding section, to the keeper of the jail in which he is imprisoned, such keeper shall forthwith discharge him from his commitment at the suit of the creditor named therein.

SEC. 14. No person who has been admitted to take the oath aforesaid, shall be retained in jail for the prison fees, or for the fees of the justices before whom he may have taken such oath.

SEC. 15. No keeper of any jail receiving an assignment under the tenth section of this chapter shall be held responsible to any person for any property of any assignor, except such as he has actually received into his possession: *Provided*, he shall assign all the interest he shall obtain thereby to the committing creditor, if a resident of this state, on his request, or to such person being a resident thereof as such creditor shall name; to be held by such credi-

tor or person, his heirs, executors, administrators and assigns, for the purposes and trusts set forth in said deed.

SEC. 16. No person who shall be committed on execution awarded against him as plaintiff in replevin, or as defendant in any action on a penal statute, or in any action of trover or detinue, or for any malicious injury to the person, health or reputation of the plaintiff in such suit, or for breach of promise of marriage, or for seduction, or for any trespass excepting only such as are particularly named in the first section hereof, shall be deemed to be within the meaning of the provision of that section or entitled to be admitted to take the oath aforesaid.

SEC. 17. If a debtor take out a citation to his committing creditor and has the same served and subsequently withdraws the same, or if upon trial he shall not be admitted to take the oath above prescribed, he shall not be entitled to another citation to the same creditor unless on proof of some change of circumstances after the taking out of the first citation; which change of circumstances shall be annexed to or recited in the second citation and form a part thereof.

Relief before the court.

SEC. 18. The court before which any action is pending for the recovery of any debt or demand, for which the defendant, if committed to jail thereon, would be entitled to be admitted to take the oath aforesaid, may administer the said oath to the defendant as hereinafter provided.

SEC. 19. The defendant, in such case, may apply to any justice of the peace in the county in which he resides for a citation to the creditor to appear at the court in which such action is pending, to show cause why the defendant should not be admitted to take said oath.

SEC. 20. Such citation shall be served by any sheriff, deputy sheriff, town sergeant or constable, at least four days before the time therein appointed for taking said oath, by reading the same to the plaintiff, or by leaving an attested copy thereof at his last and usual place of abode in this state; and such citation shall be returned to the court in which such action is pending. If the plaintiff does not reside in this state, service of said citation may be made in like manner upon the agent or attorney of record of the plaintiff, in this state.

SEC. 21. If it shall appear to the court in which the said action is pending, that notice has been given as before provided, said court shall examine the defendant on his oath concerning his estate and effects and the disposal thereof, and may also receive any other evidence offered by the defendant or the plaintiff; and upon such examination, the court may, in its discretion, administer to the defendant the said oath.

SEC. 22. If said oath be administered, the execution which may be issued against the defendant in said action shall run against the goods and chattels or real estate of the defendant, and not against his body.

Relief of debtors liable to imprisonment on execution.

SEC. 23. Any defendant in any execution, who would, if committed to jail thereon, be entitled to be admitted to take the oath aforesaid, may apply in the manner hereinbefore mentioned, for a citation to his creditor to show cause why he should not be admitted to take said oath.

SEC. 24. Such citation shall be served in the same manner as is provided in the twentieth section of this chapter.

SEC. 25. Upon the return of such citation, the magistrates authorized to administer said oath by section ten of this chapter, in the county in which such defendant is liable to be imprisoned, may administer said oath to the defendant, if upon examination of the defendant on oath, and of such other evidence as either party may produce, they may think proper.

SEC. 26. If the defendant be admitted to take the said oath, he shall thereafter be exempt from imprisonment on said execution or any future execution that may be issued on said judgment; and execution on said judgment shall issue only against the goods and chattels and real estate of the said defendant.

SEC. 27. The justices administering the oath aforesaid pursuant to the provisions of the twenty-fifth section of this chapter, shall give a certificate to that effect under their hands and seals to the said defendant. In all cases, the justices who commence the examination of the prisoner under the provisions of this chapter, shall alone have the power to sign and seal the certificate of his discharge.

SEC. 28. When the oath aforesaid shall be administered to any defendant under the provisions of the ten sections next preceding, he shall then and there make an assignment of all his estate, real and personal, not exempted from attachment by law, to some responsible inhabitant of this state, his heirs and assigns, to be approved by the magistrates administering said oath, in trust for the benefit of all his creditors, in proportion to their demands, and a copy of which assignment shall be filed by the assignee in the office of the clerk of the court, or magistrate issuing such execution.

SEC. 29. The person to whom the debt appears by the process to belong at the time complaint is made, shall be deemed the creditor within the meaning of the provisions of this chapter. Neither the commitment of the prisoner nor his discharge shall be a satisfaction of the debt for which he was committed. If committed on execution, the plaintiff may take out another execution, which shall not however run against the body of the defendant. If suit be brought on the judgment, execution in such suit shall not run against the body of the defendant, nor shall the defendant be held to bail on the writ in such case. If the defendant be committed on mesne process, when he receives a certificate as aforesaid, if that fact be shown by plea to the court or justice before whom the action is pending, then execution shall not issue against the body

of the defendant; but in all such cases, execution shall issue against the goods and chattels and real estate of such defendant.

SEC. 30. Any justice of the supreme court, or any justice of the peace in the same county, who shall be present at the time and place to which any citation in behalf of any poor prisoner issued under the provisions of this chapter shall be duly returned, may in the absence of another magistrate, adjourn the hearing thereon to any other time or place, as he may think proper, with the same effect as if another justice were present.

SEC. 31. Any one of the Narragansett tribe of Indians committed to jail for debt, upon mesne process or execution, shall be considered as a poor prisoner, within the true intent and meaning of this chapter notwithstanding such prisoner may have estate, real or personal, in common with the said tribe; and shall be entitled to and may receive all the benefits and advantages hereof.

CHAPTER 199.

OF POOR TORT DEBTORS.

SECTION
1. Persons imprisoned in actions on penal statutes, &c., entitled to citation.
2. Citation, when and to whom issued.
3. What the citation shall set forth.
4. How it shall be served.
5. Duty of keeper if board is not paid.
6. Board paid in such case to form a part of costs of commitment.

SECTION 1. Any person who shall be imprisoned upon mesne process, execution, or surrender, or commitment by bail in any action on penal statutes, or in any action of trover, detinue, trespass, trespass and ejectment, or trespass *quare clausum fregit* in which the title to the close was not in dispute between the parties, and who shall complain, on oath, to the keeper of the jail in which he is imprisoned, that he has no estate real or personal, wherewith to support himself in jail or pay jail charges, shall be entitled to a citation as hereinafter provided.

SEC. 2. If such keeper shall believe said complaint to be true, he shall forthwith issue a citation under his hand and seal to the plaintiff at whose suit the complainant is imprisoned, if the plaintiff resides in this state, or if he does not reside within this state, then to his agent or attorney of record, or if he have no agent or attorney of record, then to the person who indorsed the plaintiff's writ as surety.

SEC. 3. Such citation shall set forth that said prisoner has made complaint as aforesaid, and that said prisoner will be discharged unless the sum of two dollars per week be within ten days from the time of the service of said citation, paid to the said keeper in

advance for the board of said prisoner, reckoning said board from the expiration of said ten days after said service, which payment in advance shall continue to be made by said creditor during the time said prisoner shall be detained at his suit.

SEC. 4. Said keeper upon issuing the citation shall at the expense of the state, cause service thereof to be made by the sheriff, his deputy, or any town sergeant or constable, on the person to whom such citation shall be directed as aforesaid, by reading the same to him in his presence and hearing, or by leaving a true and attested copy thereof at his last and usual place of abode.

SEC. 5. In case of default made in payment of said prisoner's board as required in the third section of this chapter, the keeper shall discharge such prisoner from jail, stating in his formal discharge on the jail book, the reason thereof.

SEC. 6. The amount thus paid by the creditor for the board of the prisoner so imprisoned at his suit, shall be added to and form a part of the costs of commitment and detention, and as such costs shall be paid by the prisoner in the then existing or any future proceedings which may be lawfully instituted against him for the recovery of the debt and costs of said suit.

CHAPTER 200.

OF THE RELIEF OF INSOLVENTS.

SECTION

1. Petitions of insolvents, by whom to be preferred, to what court, and when and where to be filed.
2. Court may dispense with term of residence.
3. Statements under oath of debts, losses and property to be filed with petition.
4. Form of oath on preferring petition.
5. Notice to creditors, how and when given.
6. Court may order further notice.
7. Petition may be filed in term time; proceedings in such case.
8. Examination of petitioner, mode of, and how conducted.
9. Record of examination.
10. When petitioner is entitled to a discharge.
11. Assignment of his estate, &c., to be made before receiving certificate of discharge.
12. Oath upon appointment of assignees.

SECTION

13. Debts of petitioner must exceed one hundred dollars.
14. Court may stay proceedings against body and estate of petitioner, and liberate from jail on giving bond.
15. Effect of stay of proceedings in case of commitment, &c., by bail.
16. Petitioner in such case may be discharged from jail on giving bond.
17. Power of surety in such bond over his principal.
18. Principal if surrendered, may give new bond.
19. Liability of husband upon intermarriage with a woman who has obtained a discharge.
20. Certificate of discharge, effect of on prior debts, contracts, &c.
21. Process against insolvent on such debts, &c., how sued out, and execution how to issue.
22. Validity of discharge, how and when it may be disputed.

SECTION
23. Of pleading and giving discharge in evidence, and of the effect thereof unless, &c.
24. Judgment, how rendered if charge of fraud is established; discharge in such case void.
25. Of costs if plaintiff fails to invalidate the discharge, and of the judgment and execution in such case.
26. Writ against partners, &c., in case either has obtained a certificate of discharge, how served; judgment, how rendered.

Of assignees.

27. Duties of assignees of insolvents, and when claims must be proved.
28. Of proof of claims, and of examination of insolvent touching the same.
29. Insolvent may be committed in case of refusal to be examined, &c.
30. Penalty for fraudulently claiming effects of an insolvent.

SECTION
31. Power of assignee over property, effects, &c., of insolvent.
32. Conveyances of insolvent in fraud of creditors, void.
33. Penalty for receiving such conveyance or concealing such property.
34. Persons suspected of such concealment subject to examination.
35. Power of court to commit such person in case of refusal to be sworn, or to make answer.
36. Mutual debts between insolvent and creditor to be set off.
37. Claims may be submitted to referees.
38. Proceeds of insolvent's estate, when and how distributed.
39. Debts due United States, state and towns to be paid in full; liens on estate not to be impaired.
40. Powers of court over assignees, and effect of removal in pending suits.

SECTION 1. Any inhabitant of this state, who shall have resided and been domiciled therein for the space of three years next preceding the preferring of his petition, and who shall be insolvent, may prefer his petition for relief as an insolvent, to the supreme court, to be holden in and for the county in which such petitioner shall be resident or domiciled; which petition shall be filed in the office of the clerk of said court three weeks, at least, before the sitting thereof.

SEC. 2. Said court may, in their discretion, dispense with the aforesaid term of residence.

SEC. 3. Each petitioner shall exhibit and file with his petition, under oath, to be taken by him before any judge, justice of the peace or public notary of the county in which he may reside, a just and true statement of all his debts and to whom due, and of the losses and misfortunes by which his insolvency has been caused; and also a just and true inventory of all his property and estate of every kind and nature, in possession or action, remainder or reversion, excepting wearing apparel not exceeding in value the sum of one hundred dollars.

SEC. 4. In addition to the oath required in the preceding section, the petitioner shall, on preferring his petition as aforesaid, take the following oath to his inventory:— You do solemnly swear, (or affirm,) that the inventory on file with your petition is a just, true and perfect inventory and account of all your property and estate of every kind and nature, in possession or action, reversion or remainder, excepting wearing apparel; and that you have not at any time, directly or indirectly, sold, leased or otherwise conveyed or disposed of to, or intrusted any person or persons whom-

soever with, all or any part of the property or estate, real or personal, whereof you have been the owner or possessor, to defraud your creditors or any of them, or with any intent or design to secure the same, or to secure or expect any profit, benefit or advantage therefrom, for yourself or any of your children or family, or any other person; nor done, nor caused, nor suffered to be done, any act, matter or thing whatever, whereby any of your creditors may be defrauded; so help you God: (or, this affirmation you make and give upon peril of the penalty of perjury.)

SEC. 5. The clerk shall notify the creditors of such petitioner of the pendency of such petition, by publishing a notification thereof at least three successive weeks next before the sitting of said court, to which said petition shall be preferred, in some public newspaper printed in this state; the cost of such publication being first advanced by the petitioner.

SEC. 6. The court, upon inspection of the schedules of the petitioner attached to his petition, may order such other and further notice to all or any of the creditors as they may deem necessary.

SEC. 7. The court, good cause being shown therefor, may permit any such petition to be preferred and received in term time, although not filed as aforesaid; and in such case the petition shall be continued to the next term of the court, and notice thereof given to the creditors in the manner hereinbefore prescribed.

SEC. 8. Each petitioner shall be strictly examined by the court, and by any of the creditors who may think proper, in order to obtain from him under oath, a full, true and undisguised disclosure of his actual condition and circumstances; the amount of his property and debts, the extent and nature of his losses, and the conveyances, transfers or other dispositions which may have been made of his property or any part thereof; and how and in what manner, at what time or times, to whom, and on what consideration, terms or conditions; and the court shall strictly and thoroughly examine into the conduct and proceedings of such petitioner, so far as the interest of his creditors may have been or are liable to be prejudiced or affected thereby; and in addition to his disclosures and answer under oath, to require him if they think proper, to produce satisfactory evidence of all such facts as they may deem material to a full understanding of the merits of his case.

SEC. 9. Said examination being accurately taken down in writing, by order of the court, in a suitable record book, shall in open court, be read to and signed by the petitioner.

SEC. 10. No such petitioner shall receive a discharge by virtue of this chapter unless upon full investigation as aforesaid of his conduct and proceeding, and upon a hearing of such testimony as his creditors may present, he shall, in the opinion of the court, be fairly and justly entitled thereto.

SEC. 11. Whenever the court shall grant such petition, the petitioner shall in open court, at the same term and before receiving his certificate of discharge, execute, acknowledge and deliver to such assignee or assignees (not exceeding three) as said court may

appoint, upon the nomination of the major part in value, of the creditors present, if they shall think proper so to nominate, an assignment conveying and transferring to him, his heirs and assigns, his successor, his heirs and assigns, in trust for the benefit of all the creditors, all and singular the estate and effects, real and personal of every description, in possession, or action, reversion or remainder, to which said petitioner may be entitled, in law and equity, (excepting wearing apparel as aforesaid,) with all the muniments and evidences thereof; and all debts due to him, and all debts, claims and demands, rights and credits of every description, together with all his books of account, papers and writings, and evidences relating to such debts or claims; all which muniments, evidences, books and papers, and if the court shall so require, all which effects, goods and chattels, shall be actually delivered up to said assignee, before such petitioner shall be entitled to receive his certificate of discharge.

SEC. 12. Such petitioner shall, upon the appointment of his assignee, take the oath prescribed to be taken by him to his inventory in the fourth section of this chapter.

SEC. 13. The court shall not grant such petition to any debtor whose debts do not exceed one hundred dollars.

SEC. 14. On the reception of any such petition, the court may, in their discretion, stay all proceedings against the body and estate, or either, of the petitioner, for the collection of debts; and may cause such petitioner to be liberated from jail, if confined in the jail in the county of Providence, on his giving bond with surety or sureties, to the satisfaction of the keeper of said jail; and if confined in jail in any other county, on his giving bond with surety or sureties, to the satisfaction of the sheriff of such county, with condition to return to jail in ten days after the rising of the court at which the petition shall be finally disposed of, unless the petitioner shall be discharged by the court, and shall receive a certificate thereof, by order and under the seal of the court.

SEC. 15. If any petitioner, against whose person, proceedings for the collection of debts shall be stayed, and whose petition shall be pending, shall be committed to jail by his bail, such stay of proceedings shall not prevent the detention of such prisoner in jail, in the same manner as he would be detained, if no such stay of proceedings had been ordered; and if any such petitioner shall be surrendered in court by bail, said petitioner shall be committed to and detained in jail, in the same manner as if no such stay of proceedings had been granted.

SEC. 16. Any petitioner who shall be committed or surrendered by bail as aforesaid, shall be discharged from jail on giving bond with sureties to the satisfaction of the sheriff of the county in which such petitioner shall be committed, if committed to any jail other than the jail in the county of Providence; and if committed to the jail in the county of Providence, then to the satisfaction of the keeper of said jail, with condition to return to jail within ten days after the rising of the court at which the petition shall be finally

disposed of, unless the petitioner shall be discharged by the court, and shall receive a certificate thereof by order, and under the seal of the court.

SEC. 17. Any surety in a bond given in pursuance of the fourteenth, or the sixteenth section of this chapter, shall, at all times before the expiration of the time limited in said sections for the return of the principal to jail, have the same power and authority over his principal, as though he were his bail in a civil cause, and may commit him to jail in the same county in which he was committed when he gave the bond; upon which commitment, such surety shall be discharged from all liability for any act done by the principal subsequent thereto.

SEC. 18. The principal so surrendered shall have the same right to give bond that he would have had if he had not given the first bond.

SEC. 19. No man who shall intermarry with any woman, whose petition shall have been granted pursuant to, and who shall have complied with the provisions of this chapter, shall be liable in any way in his person or estate, for any debt incurred, or on any contract, covenant, bond or agreement, entered into by his wife, before her petition was granted, for any greater amount than the value of such property as actually came into his possession or under his control, by her marriage, other than her wearing apparel.

SEC. 20. Every insolvent debtor who shall, without fraud or perjury, obtain a certificate of discharge by order and under the seal of said court, shall forever thereafter be exonerated and protected from arrest, imprisonment, or any manner of bodily restraint on account of any debt, covenant, contract, (except a promise of marriage,) agreement or pecuniary obligation of any kind, not originating in tort or in criminal conduct, contracted, entered into or incurred prior to the filing of his petition.

SEC. 21. Any creditor of such insolvent may sue out an original summons or process of summons and attachment against him, and upon final judgment rendered thereon in favor of such creditor, execution shall issue to be levied and served as in ordinary cases: *Provided*, that such execution shall not run against the body of said insolvent, but shall issue against his goods, chattels and real estate.

SEC. 22. In no case shall the plaintiff in any suit against such insolvent be permitted to dispute the validity of such insolvent's discharge, unless he shall give notice thereof, and of the grounds of his objection, in writing on the back of his original writ; which notice shall be read to the defendant as part of said writ, or be inserted in the copy left at his last and usual place of abode.

SEC. 23. Upon the trial of such action, the defendant shall be at liberty to plead specially his said discharge, in bar thereto, or may give the same in evidence under the general issue; and in either case, his certificate under the seal of the court shall be conclusive of his legal discharge, and the validity thereof shall not be called in question except upon sufficient legal proof produced in the trial of the charges, specified as aforesaid in the original writ, either of

wilful perjury in his examination before the court, or on any other occasion before said court, during the pendency of his petition, or before said assignee, or before the magistrate in swearing to his inventory list of debts or other statements; or of any other fraudulent proceeding or practices on the part of said defendant, and by him concealed from said court, for the purpose of fraudulently obtaining his said discharge.

SEC. 24. If any one of said charges shall on trial be found true, then the plaintiff shall have judgment for his debt or damages, (being first proved and ascertained,) in the same manner as if no such discharge had ever been granted to the defendant; and said discharge shall, in all cases forever thereafter, be considered null and void.

SEC. 25. In case the plaintiff shall fail to invalidate as aforesaid said discharge, the defendant shall be entitled to his costs; and the plaintiff upon paying the same to the defendant, or to the clerk in open court for the defendant's use, shall be entitled to his judgment and execution as is provided in section twenty-one of this chapter; but if the plaintiff shall fail so to pay said cost before the last day of the same term of the court, then the defendant shall have judgment and execution for the cost against the plaintiff.

SEC. 26. Whenever any such insolvent shall be a partner in trade or business as a joint contractor with any other person, then the original writ against such partners or joint contractors shall run against said insolvent, as is hereinbefore prescribed, and against all the other partners or joint contractors, as in ordinary cases; and in any such case the final judgment, if in favor of the plaintiff, shall be against the property of said insolvent as is hereinbefore provided, and against the other defendants in the usual form; and separate executions shall issue in conformity to such judgment.

Of assignees.

SEC. 27. The assignee appointed as aforesaid shall, before proceeding to act, be sworn before the court, and if required, shall give bond with surety for the faithful performance of the trust; and being so qualified, he shall immediately give notice thereof in some newspaper published in or near the place of residence of the insolvent, to the end that all his creditors may, if they see fit, appear and prove their claims against his estate, whether payable at that time or in future; for which purpose not less than six nor more than eighteen months from the first publication of the notice shall be allowed, at the discretion of the court; and those only who shall prove their claims within that time shall be entitled to a dividend out of the insolvent's estate.

SEC. 28. No claim shall be allowed without sufficient legal proof of its justice; and it shall be the duty of the assignee, from time to time to examine the insolvent touching the claims against his estate, and to require him to produce and deliver up any receipt,

voucher, account stated, letter or other paper which may be of use in deciding upon any of said claims.

SEC. 29. If the insolvent shall in any case refuse to be so examined, or to produce the papers called for and in his possession, the court may cause him to be committed to prison, there to remain until he shall furnish and produce the information and documents required.

SEC. 30. If any person shall fraudulently or collusively claim as his property any estate or effects of the insolvent, or any debt, every such person shall forfeit double the amount so claimed, for the benefit of the creditors.

SEC. 31. The assignee may, in his own name, collect and take possession of, by suit or other legal means, all such estate, property and debts; may prosecute to final judgment and execution all suits previously commenced in the name or for the benefit of said petitioner, and pending at the date of said assignment; and may redeem all lands, goods and estates which may have been previously mortgaged or in any way pledged or incumbered, and in which said petitioner may have any interest.

SEC. 32. If any such petitioner, prior to making his assignment as aforesaid, shall convey to any of his children or others, any land or goods, or transfer any of his debts or demands or the evidences thereof, with intent to defraud his creditors, all such property and claims shall nevertheless vest in the assignee appointed as aforesaid.

SEC. 33. Every trustee or other person who shall receive any such conveyance or transfer and shall wilfully conceal any such property or evidences of debt, shall forfeit double the value thereof, for the benefit of the creditors.

SEC. 34. Whenever any person shall be suspected of concealing, as aforesaid, any property or debts of the petitioner, said court, if sitting, or either justice thereof, out of term time, shall have power, upon the application of an assignee, to cause such suspected person to come before them, and to examine him under oath respecting the same.

SEC. 35. If such person shall refuse to be sworn so as to make answer to such questions as shall be administered touching the subject of said examination, then it shall be lawful for said court or justice to commit him to prison, there to be detained until he shall submit to be examined as aforesaid.

SEC. 36. In all cases where there shall be mutual debts or demands subsisting between the insolvent and any of his creditors, previous to the reception of his petition as aforesaid, the assignee shall (the just amount thereof being first ascertained) set off such mutual claims, and the balance only shall be paid or claimed on either side, respectively.

SEC. 37. The assignee may submit any and all claims and demands against said estate, or in favor thereof, to the final decision of referees under a rule of any competent court.

SEC. 38. After the expiration of the time allowed for the proof

of the claims against the estate of the insolvent, the assignee shall forthwith divide and distribute the net produce of the said insolvent's estate and effects in his hands, to and among his creditors who shall have duly proved their claims, in proportion to their several and respective debts; allowing, however, to said insolvent, such articles of household furniture and implements of trade or husbandry, and such other articles as are exempted from attachment by law, and deducting such necessary expenses of settling the estate, and such reasonable compensation to the assignee for his services as the court shall allow.

SEC. 39. Before any dividend as aforesaid, all debts due to the United States or this state or any town therein for taxes, (if any,) shall be paid, so far as the property of the insolvent will go towards paying the same, in the order above named; and nothing in this chapter shall be taken to impair any bona fide lien existing prior to the reception of any such petition upon any land, estate or effects of any such insolvent.

SEC. 40. The supreme court may at all times call any such assignee to account, and at their discretion may discharge him and appoint others, one or more, in his stead; and no suit at law or in equity shall be abated by such removal and new appointment, but shall thereafter be prosecuted in the name of the new assignee.

TITLE XXIX.

Of Proceedings in Special Cases.

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CHAPTER 202. Of dower, action of dower and of jointure.
CHAPTER 203. Of partition of estates in common and joint-tenancy, and of other actions concerning such estates.
CHAPTER 204. Of waste, action of waste and writs of estrepement.
CHAPTER 205. Of the action against tenants and of notices to quit.
CHAPTER 206. Of trespasses.
CHAPTER 207. Of proceedings in forcible entry and detainer.
CHAPTER 208. Of replevin.
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CHAPTER 201.

OF HABEAS CORPUS.

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4. Form of writ.
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6. How returned.
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SECTION 1. Every person imprisoned in any common jail, or otherwise restrained of his liberty, by any officer or other person, except in cases mentioned in the following section, may prosecute a writ of habeas corpus, according to the provisions of this chapter, to obtain relief from such imprisonment or restraint, if it shall prove to be unlawful.

SEC. 2. The following persons confined in any jail shall not be entitled of right to demand and prosecute said writ: —

First. Persons convicted of treason against this state, murder, rape, robbery, arson, burglary or as accessories before the fact in either of those crimes, or committed on suspicion of being guilty of either of those crimes, or as accessories thereto before the fact, when the cause is plainly and specifically expressed in the warrant of commitment;

Second. Persons convicted, or in execution upon legal process, civil or criminal;

Third. Persons committed on mesne process in any civil action on which they were liable to be arrested and imprisoned, unless when excessive and unreasonable bail is required.

SEC. 3. Application for such a writ shall be made to the supreme court, if in actual session in any county, and if not, to any justice of said court, by complaint in writing, signed by the party for whose relief it is intended, or by some person in his behalf, setting forth —

First. The person by whom, and the place where, the party is imprisoned or restrained; naming the prisoner and the person detaining him, if their names are known, and describing them if they are not known;

Second. The cause or pretence of such imprisonment or restraint, according to the knowledge and belief of the person applying;

Third. If the imprisonment or restraint is by virtue of any warrant or other process, a copy thereof shall be annexed, or it shall be made to appear that a copy thereof has been demanded and refused, or that for some sufficient reason a demand of such copy could not be made; and

Fourth. The facts set forth in the complaint shall be verified by the oath of the person making the application, or by that of some other credible witness; which oath may be administered by the court or justice to whom the application is made, or by any justice of the peace or public notary.

SEC. 4. The court or justice to whom such complaint shall be made, shall, without delay, award and issue a writ of habeas corpus; if against any sheriff or deputy sheriff of this state, or against the keeper of any jail or prison in this state, or against any marshal or deputy marshal of the United States, it shall be substantially of the following form: —

The state of Rhode Island and Providence Plantations.

[SEAL.] SC. — *To* *greeting:* —

We command you, that the body of of in our prison, in your custody, (or, by you imprisoned and restrained of his liberty, as the case may be,) as it is said, together with the day and cause of his taking and detaining, by whatsoever name the said shall be called or charged, you have before our supreme court, holden at within and for the county of immediately after the receipt of this writ, to do and receive what our said court shall then and there consider concerning him in this behalf; and have there this writ. Witness, Esq., at this day of in the year .

Clerk.

And if not against such officer, it shall be substantially in the following form: —

The state of Rhode Island and Providence Plantations.

[SEAL.] SC. — *To the sheriffs of our several counties and their deputies, greeting:* —

We command you, that the body of of by of imprisoned and restrained of his liberty, as it is said, you take and have before our supreme court, holden at within and for the county of immediately after the receipt of this writ, to do and receive whatever said court shall then consider concerning him in this behalf; and summon the said then and there to appear before our said court, to show the cause of the taking and detaining of the said and haye you there this writ with your doings thereon. Witness at this day of in the year . . Clerk.

SEC. 5. When the writ is issued by the supreme court in session, it shall be signed by the clerk and tested like other writs in this state; when issued by a justice, it shall be signed by him.

SEC. 6. If the court to which the writ is returnable shall be adjourned before its return, the return shall be made before any one of the justices of said court. If issued by a single justice, and the court shall be in session before its return, he may and shall adjourn the case into court, to be there heard and determined in like manner as if it had been returned into the court.

SEC. 7. If the party is confined in a common jail, or in the custody of any civil officer, the court or justice who grants the writ, shall certify thereon the sum to be paid for the expense of bringing him from the place of imprisonment; and the officer to whom the writ is directed shall not be bound to obey it unless that sum be paid or tendered to him.

SEC. 8. Any person to whom the writ is directed shall receive it, and upon payment or tender of charges, if any be demandable for the execution of it, he shall make due return thereof within three days after receiving it.

SEC. 9. If the writ be directed to any sheriff, deputy sheriff, keeper of any jail, marshal or deputy marshal, as herein provided, such officer shall state in his return thereon: —

First. Whether he has or has not the party in his custody or power, or under restraint;

Second. If he has the party in his custody or power, or under restraint, he shall set forth at large the authority, and the true and whole cause of such imprisonment or restraint, with a copy of the writ, warrant or other process, if any, upon which the party is detained; and

Third. If he has had the party in his custody or power, or under restraint, and has transferred such custody or restraint to another, he shall state particularly to whom, at what time, for what cause, and by what authority such transfer was made. If the writ be directed to no such officer, the person summoned shall state the same particulars in writing to the court or justice before whom the writ is returnable.

SEC. 10. The return or statement shall be signed by the person

making it, and it shall also be sworn to by him, unless he be a sworn public officer, and shall make the return in his official capacity.

SEC. 11. The person who makes the return or statement, shall at the same time bring the body of the party, if in his custody or power, or under his restraint, according to the command of the writ, unless prevented by the sickness or infirmity of the party.

SEC. 12. When, from the sickness or infirmity of the party, he cannot, without danger, be brought to the place appointed for the return of the writ, that fact shall be stated in the return; and if it be proved to the satisfaction of the court or justice, the said court or justice may proceed to the jail or other place where the party is confined, and there make the examination; or may adjourn the same to another time, or may make such other order in the case as law and justice shall require.

SEC. 13. When the writ of habeas corpus is returned, the court or justice shall, without delay, proceed to examine the causes of the imprisonment or restraint; but the examination may be adjourned from time to time as circumstances may require.

SEC. 14. When it appears, from the return of the writ or otherwise, that the party is detained on any process under which any other person has an interest in continuing his imprisonment or restraint, the party shall not be discharged until sufficient notice shall have been given to such other person or his attorney, if within the state, or within thirty miles of the place of examination, to appear and object to such discharge if he thinks fit; which notice shall be given by the party imprisoned, in the manner prescribed by the court or justice; or in default thereof he shall be remanded to the custody of the person against whom the writ of habeas corpus issued.

SEC. 15. When it appears from the return of the writ or otherwise, that the party is imprisoned on any criminal accusation, he shall not be discharged until sufficient notice shall have been given to the attorney-general, or to the complainant in the matter, that he may appear and object to the discharge, if he thinks fit; which notice shall be given by the party imprisoned, in the manner prescribed by the court or justice; or in default thereof he shall be remanded to the custody of the person against whom the writ of habeas corpus issued.

SEC. 16. The party imprisoned or restrained may deny any of the facts set forth in the return or statement, and may allege any other facts that may be material in the case; and the court or justice shall proceed in a summary way to examine the causes of imprisonment or restraint, and to hear the evidence that may be produced by any person interested and authorized to appear, both in support of such imprisonment or restraint and against it, and thereupon to dispose of the party as law and justice shall require.

SEC. 17. If no legal cause can be shown for the imprisonment or restraint, the court or justice shall discharge the party therefrom.

SEC. 18. If the party is detained for any cause or offence for which he is bailable of right, he shall be admitted to bail if sufficient

bail be offered; and if not, he shall be remanded, with an order of the court or justice, expressing the sum in which he shall be held to bail, and the court at which he shall be required to appear; and any justice of the peace authorized thereto may, at any time before the sitting of said court, bail the party pursuant to such order.

SEC. 19. If the party is committed on mesne process in any civil action, for want of bail, and if it shall appear that the sum for which bail is required is excessive and unreasonable, the court or justice shall decide what bail is reasonable, and shall order, that on giving such bail the party shall be discharged.

SEC. 20. If the party is lawfully imprisoned or restrained and is not entitled to be enlarged on giving bail, he shall be remanded to the person from whose custody he was taken, or to such other person or officer as by law is authorized to detain him.

SEC. 21. Until judgment be given, the court or justice may remand the party, or may bail him to appear from day to day, or may commit him to the sheriff of the county, or place him under such other care and custody as the circumstances of the case may require.

SEC. 22. Any officer who shall refuse or neglect, for six hours, to deliver a true copy of the warrant or process, by which he detains any prisoner, to any person who shall demand such copy, and tender the fees therefor, shall forfeit and pay to such prisoner the sum of one hundred dollars.

SEC. 23. If any person to whom such writ of habeas corpus shall be directed, shall refuse to receive the same, or shall neglect to obey and execute it according to the provisions of this chapter, and no sufficient excuse shall be shown for such refusal or neglect, the court or justice before whom the writ is returnable shall proceed forthwith, by process of attachment as for a contempt, to compel obedience to the writ, and to punish the person guilty of the contempt.

SEC. 24. If such attachment shall be issued against a sheriff or his deputy, it may be directed to any town sergeant, or to any other person, to be designated therein, who shall have full power to execute the same; and if the sheriff or deputy should be committed upon such process, he may be committed to the jail of any other county than his own.

SEC. 25. Upon such refusal or neglect of the person to whom the writ of habeas corpus is directed, the court or justice may also issue a precept to any officer or other person designated therein, commanding him to bring forthwith before such court or justice, the person for whose benefit the writ of habeas corpus was issued; and the prisoner shall be thereupon discharged, bailed or remanded, in like manner as if he had been brought in upon the writ of habeas corpus.

SEC. 26. Every person guilty of such refusal or neglect to receive and execute a writ of habeas corpus, shall moreover forfeit and pay to the party aggrieved thereby, a sum not exceeding one thousand dollars.

SEC. 27. If any one who has in custody or under his power any

person entitled to any writ of habeas corpus, whether any writ has issued or not, shall, with intent to elude the service of such writ, or to avoid the effect thereof, transfer such prisoner to the custody, or place him under the power or control of any other person, or conceal him, or change the place of his confinement, the person so offending shall forfeit and pay to the party aggrieved thereby a sum not exceeding one thousand dollars.

SEC. 28. The recovery of any penalty imposed by this chapter shall not bar any action at the common law for false imprisonment, or for false return to the writ of habeas corpus, or for any other injury or damage sustained by the aggrieved party.

SEC. 29. No person who has been discharged upon a writ of habeas corpus shall be again imprisoned or restrained for the same cause, unless he shall be indicted therefor, or convicted thereof, or committed for want of bail by some court of record having jurisdiction of the cause; or unless after a discharge for defect of proof, or for some material defect in the commitment, in a criminal case, he shall be again arrested on sufficient proof, and committed by legal process for the same offence.

SEC. 30. Nothing contained in this chapter shall be construed to restrain the power of the supreme court, or any one of the justices thereof, to issue a writ of habeas corpus at their discretion; and thereupon to bail any person, for whatever cause he may be committed or restrained, or to discharge him, as law and justice shall require.

SEC. 31. When any person is committed to jail on any criminal accusation, for want of bail, any justice of the supreme court, or any justice of the peace of the same county, specially appointed by said supreme court, or by either justice thereof, may admit him to bail in like manner as might have been done by the court or magistrate who committed him; and the said justices respectively, shall have power to issue a writ of habeas corpus, and to cause such prisoner to be brought before them, when it shall be necessary for the purpose expressed in this section.

SEC. 32. Nothing contained in this chapter shall be construed to restrain the power of any court to issue a writ of habeas corpus, when necessary to bring before them any prisoner for trial, in any criminal case lawfully pending in the same court; or to bring in any prisoner to be examined as a witness in any suit or proceeding, civil or criminal, pending in such court, when they shall think the personal attendance and examination of the witness necessary for the attainment of justice.

CHAPTER 202.

OF DOWER, THE ACTION OF DOWER, AND OF JOINTURE.

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3. How, where several parcels of land.
4 and 5. Who may assign dower.
6. Widow's right to mansion until assignment.
7. Widow, when entitled to writ of dower, and damages for detention of dower.
8. Notice of demand of, how served.
9 and 10. Judgment for, what shall contain, and of appeal from.
11. Of commissioners to set off dower.
12. Proceedings by commissioners.
13 and 14. Of confirmation of report of commissioners, and of execution for damages and costs.
SECTION
15. Death of tenant in action not to abate action.
16, 17 and 18. Assignment of dower by court of probate and proceedings in.
19. No damages for detention given by court of probate.
20. Dower forfeited by waste, and duty of tenant in to repair.
21. Jointure, how settled, to bar dower.
22. Estate settled, to revert, if no bar, when.
23. Dower demandable, if widow evicted from jointure.
24. Bequest of crops by widow, and of fences erected by her on dower lands.

SECTION 1. The widow of any person dying intestate, or otherwise, shall be endowed of one full and equal third part of all the lands, tenements and hereditaments, whereof her husband, or any other to his use, was seized of an estate of inheritance, at any time during the intermarriage, to which she shall not have relinquished her right of dower by deed, except in the cases provided for in the twenty-first section of this chapter.

SEC. 2. Of inheritances that are entire, where no division can be made by metes and bounds, so that a woman can be endowed of the thing itself, and of woodlands, she shall be endowed in a special and certain manner, as of a third part of the rents, issues, growth or profits thereof, to be computed and ascertained in manner by this chapter directed.

SEC. 3. Where dower is legally demandable in more than one lot or parcel of land belonging to the same person, such assignment need not be of a part of each lot or parcel, but may be together in one lot, as the interest and convenience of the widow and the heir or person having the next immediate estate of freehold shall require.

SEC. 4. The heir or person having the next immediate estate of freehold in all or any of the lands, tenements or hereditaments which belonged to the deceased during the intermarriage, whereof the widow is dowable, may, in writing and under his hand, assign and set off to such widow her dower or just third part of and in all such lands, tenements and hereditaments, according to the pro-

visions of this chapter, at any time after the decease of the husband.

SEC. 5. The tenant in possession, though having but a term for years, first giving notice to the owner or owners of the next estate of freehold or inheritance, and inviting them to join with him, if they will, in assigning and setting off dower, may, upon demand of the widow upon him and them, assign and set off dower as aforesaid; and the same, if fairly and honestly done, shall bind his landlord or co-tenants of the freehold and all others.

SEC. 6. Until such dower be assigned or until she elect to receive her jointure in lieu of dower, it shall be lawful for any widow to remain and continue in the mansion-house, and the messuage thereto belonging, without being chargeable to pay the heir any rent for the same: *Provided* she bring her writ of dower within twelve months after the probate of the will or the granting of letters of administration on her husband's estate.

SEC. 7. If after one month's demand, made by the widow, of the persons empowered to set off dower, the same shall not be set off to her in all the lands, tenements and hereditaments in which they are empowered to set off the same, or the dower assigned and set off shall be less in value than the widow is entitled to, or shall be assigned and set off in a manner inconsistent with the provisions and true intent of this chapter, such widow may sue for and recover her dower and damages for the detention of the same by writ of dower, to be brought either against the tenant in possession, or the tenant or tenants of the estate of freehold subsisting at the time of the demand.

SEC. 8. The leaving of the demand with the tenant or person in possession of the premises out of which dower is demanded, or, if no person be in possession, the posting up of the same in any conspicuous place upon the premises, shall be sufficient service of the demand upon all persons not within the state at the time of such demand.

SEC. 9. Whenever judgment for dower shall be rendered by any court of common pleas in favor of a plaintiff in an action of dower, the said judgment shall set forth the manner in which the plaintiff shall be endowed; and either party aggrieved by such judgment may appeal therefrom to the next term of the supreme court in the same county.

SEC. 10. If no such appeal be prayed in open court within two days after such judgment, the same shall be final, and shall annul the dower before that time set off and assigned to the plaintiff in the case, if any had been set off and assigned.

SEC. 11. When final judgment for dower shall be rendered in any action of dower in favor of the plaintiff, the court rendering the same shall appoint three disinterested commissioners, who shall be under oath, to be administered by said court, or by any justice of the peace or public notary, equally and impartially to set forth by metes and bounds, or to ascertain in the special manner pointed out in such judgment, the dower of the plaintiff, and also the dam-

ages sustained by the plaintiff by detention thereof after demand therefor.

SEC. 12. Said commissioners shall appoint time and place to meet the parties in the said action, and give them notice thereof; and at such time and place, notwithstanding the absence of either or both of said parties, and unless good cause is shown, proceed to discharge their duties and make report of the same under their hands with a plat of the premises and of the dower set off, if set off by metes and bounds, as soon as may be, to the court appointing them.

SEC. 13. No sufficient cause to the contrary being shown, said court shall confirm said report, and enter up judgment according to the same, and issue a writ of execution for said damages, and to put the plaintiff in possession of her dower or perception of rents and profits, as the case may require.

SEC. 14. Such execution shall not be issued until after the plaintiff produces to the court, or clerk, if the court be adjourned, a certificate that the judgment of said court, confirming said report, has been duly recorded in the office of the town clerk of the town in which the premises lie; the expense of which shall make part of the costs in the action of dower.

SEC. 15. No action of dower shall abate by the death of the defendant named therein, where the defendant is tenant of the freehold, if the property passes by devise or descent from him; but such death being suggested, the heir or devisee shall be summoned to appear at the same or at the next term, in the discretion of the court in which the action is pending, and take upon him the defence of the suit; and the suit shall proceed against him in the same manner as if he had been the original defendant.

SEC. 16. Any court of probate in this state which shall have granted letters of administration or letters testamentary on the estate of any deceased person, shall have power, upon the joint application of the widow of the deceased, and of all the heirs at law or devisees having the next immediate estate of freehold, and all persons interested in all or any of the lands, tenements or hereditaments, lying within this state, which belonged to the deceased during his intermarriage, whereof such widow is dowable, to cause her dower therein to be assigned and set off to her.

SEC. 17. When such an application shall be made to such court of probate, said court, upon hearing the parties thereto, shall, in the first instance, decree in what manner the dower ought to be assigned in the premises described in the application, whether by metes and bounds or in some special and certain manner as set forth in the second section of this chapter; and any person aggrieved by such decree may appeal therefrom to the next term of the supreme court to be holden in the same county; but if no appeal be made within the time prescribed by law, or if the parties in writing within that time waive their right to appeal, then said decree shall be final.

SEC. 18. Upon the rendering of a final decree on such applica-

tion, prescribing the manner in which the dower shall be assigned, the court rendering the same shall appoint three disinterested men, who shall have and exercise the same duties and powers, and in the same manner and under the same restrictions as though they were appointed to set off dower in an action of dower according to the provisions of this chapter; and their report being made to said court, like proceedings shall be had thereon, and with like effect as in an action of dower.

SEC. 19. No damages for detention of dower shall be allowed on such application, nor shall any appeal be had from a decree of a court of probate affirming any report to said court, made by the men appointed to set off dower upon such application.

SEC. 20. No woman who shall be endowed of any lands, tenements, or hereditaments as aforesaid, shall commit or suffer any strip or waste thereon, upon penalty of forfeiting the whole of that part of the estate upon which such strip or waste shall be made, and the damages assessed for waste, to him who has the immediate estate of freehold or inheritance, remainder or reversion, by an action of waste to be brought therefor; and all tenants in dower shall maintain the houses and tenements, with the fences and appurtenances whereof they may be endowed, in good repair during the term, and shall leave them so at the expiration thereof.

SEC. 21. If any estate, real or personal, be conveyed by deed, or the same be devised or bequeathed for the jointure of the wife in lieu of her dower, to take effect in her own possession immediately on the death of her husband, and to continue during her life, or in fee, determinable by such acts only as would forfeit her dower at the common law, such conveyance shall bar her dower of the residue of the lands, tenements and hereditaments which her said husband at any time possessed: but if the said conveyance was before marriage and during the infancy of the woman, or after marriage, in either case the widow may, at her election, waive such jointure, and demand her dower: *Provided*, the same be done in writing within twelve months after the probate of the will, if there be one, and if not, then within twelve months after the granting of letters of administration on her deceased husband's estate.

SEC. 22. When any conveyance or devise intended to be in lieu of dower shall, through any defect, fail to be a legal bar thereto, and the widow availing herself of such defect, shall demand her dower, the estate so conveyed with intention to bar her dower, shall thereupon cease and determine.

SEC. 23. If any widow be lawfully expelled or evicted from her jointure, or any part thereof, without any fraud or covin, by lawful entry or action, she shall be endowed of so much of the residue of her husband's lands, tenements and hereditaments whereof she was dowable, as the same lands, tenements or hereditaments, wherefrom she was so evicted and expelled shall amount and extend to.

SEC. 24. Widows may bequeathe the crops as well of their dower as of their other lands and tenements; and if any widow shall erect any fence on or around her dower land, her executors or

administrators may enter thereon and remove the same, doing as little damage as may be to the freehold, at any time within six months after the death of such widow.

CHAPTER 203.

OF PARTITION OF ESTATES IN COMMON AND JOINT-TENANCY, AND OF OTHER ACTIONS CONCERNING SUCH ESTATES.

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24. Of report of commissioners, how made, of judgment, &c., and record of.
25. Of judgment in supreme court in partition, on appeal, and proceedings thereupon.

SECTION 1. In actions of ejectment or other actions concerning any estate holden or claimed in coparcenary, common or joint-tenancy, where the possession of such estate claimed is the object of the suit, the same may be commenced by all or any two or more of the coparceners, tenants in common, or joint-tenants, or the same may be brought by each one for his particular share of such estate; and the same rules shall prevail in actions of trespass for mesne profits.

SEC. 2. All joint-tenants, coparceners and tenants in common, who now are or hereafter may be actually seized or possessed of any estate of inheritance in any lands, tenements or hereditaments, in their own right, or in the right of their wives, may be compelled to make partition between them of such lands, tenements and hereditaments, by writ of partition.

SEC. 3. All joint-tenants, coparceners and tenants in common, who now are or hereafter may be actually seized or possessed of any estate for life or years, in any lands, tenements or hereditaments, in their own right, or in the right of their wives, may be compelled to make partition between them of such lands, tenements and hereditaments, to continue until the estate of some of the parties to the same shall determine, and no longer, by writ of partition.

SEC. 4. All joint-tenants, coparceners and tenants in common, who now are or hereafter may be actually seized or possessed of any estate for life or years, in any lands, tenements or hereditaments, in their own right, or in the right of their wives, with others who have estates of inheritance in possession in the same lands, tenements and hereditaments, may compel or be compelled to make partition of such lands, tenements and hereditaments, to continue until the estate of some of the parties shall determine, and no longer, by writ of partition.

SEC. 5. If the tenant in reversion or remainder in fee join with the said tenant for life or years in compelling partition of any such lands, tenements or hereditaments, against the other co-tenants, the partition shall be of the whole estate and binding on the heirs and assigns of all parties; and no such action shall abate by the death of the tenant for life or years, or the expiration of the term for years; but the surviving plaintiff may prosecute the said action to final judgment and execution.

SEC. 6. Partition of real estate holden in joint-tenancy or in common, and situate in two or more counties in this state, may be sued for by action at law or by bill in equity in either county in which any of the real estate is situate; and such action or bill shall be conducted in the same manner in all respects as if all the real estate therein named was situate in the same county.

SEC. 7. In suits at law, or in equity, for partition of real estate, in which it may be alleged or may appear, that any party or person interested therein, not a party plaintiff, may not be a resident of this state, or where it is alleged or may appear, that any person interested has left this state, and it may not be known where he is, or whether alive or dead, and if dead, whether leaving children or not, or that some person unknown to the plaintiff may be interested therein, the court before whom the suit is pending may order notice to be given to any such party or person, by ordering a copy of their order to be published in some newspaper printed in this state for such length of time as they may deem proper; and may also, in their discretion, order letters post paid and directed to such party, or person, to be deposited in the post-office; and, where notice is given as ordered by the court, they may proceed and render judgment in said suit in the same manner and with the same effect as if such party or person had received actual or personal notice, or had appeared and answered to the suit.

SEC. 8. If a person named defendant in a writ or bill for partition, being an inhabitant of this state, shall be temporarily absent therefrom, so that, although it may be known where he is, the writ

or subpœna cannot be personally served upon him, legal service thereof may be made by leaving a copy thereof with the tenant in possession of the estate whereof partition is demanded, if any there be.

SEC. 9. If such defendant doth not appear to answer such suit, the cause shall be continued, or delayed until his return: *Provided*, the same happen on or before the second day of the term next succeeding that at which, or first after which, said proceeding shall have been commenced; at which term, if such defendant do not appear to answer the suit, the court shall appoint some discreet and disinterested person as agent of such defendant, whose duty it shall be to defend such suit; and in case judgment shall be rendered for partition, to attend to the partition to be made, and therein take care of the interest of the person for whom he shall have been appointed agent as aforesaid.

SEC. 10. In any action of partition, if any person who ought to be a party to such action, shall be omitted in the writ, the writ or process in such action shall not be thereby abated; but in case the same is pleaded, a summons shall issue to the person thus omitted, which shall be served in manner prescribed by law, at least twenty days before trial; who may come in and defend in the same manner as though he had been originally made a party to such action; and if the person thus summoned shall appear, or shall neglect to appear, his name may be inserted in the process by the court; and judgment shall be rendered in such action in the same manner as if such person had been originally a party in the writ.

SEC. 11. If, in any such action, the defendant shall be an infant, non compos mentis, or otherwise incapacitated to take care of his right and estate, it shall be the duty of the court before which such action shall be pending, to appoint some discreet and disinterested person as guardian to defend such infant, non compos mentis, or otherwise incapacitated person against such suit; and in case of judgment for partition, to attend to the partition to be made, and therein take charge of the interest of the person for whom he shall be appointed guardian.

SEC. 12. No action of partition shall be abated by the decease of either of the parties, plaintiffs or defendants, in such action. In case of the decease of either of the plaintiffs or defendants in such action, the court shall cause the heirs at law or devisees of such deceased party to be notified of the pendency of such suit, in the same manner as if they had been parties in the original writ in said action, and may, after such notice shall be given, render judgment in said suit in the same manner as might have been done had such heirs or devisees been original parties in said action.

SEC. 13. If such heirs or devisees shall voluntarily appear in court without such notice, the court may proceed without further delay, to try, render judgment, and proceed thereon, in such action.

SEC. 14. In actions of partition against several defendants, each of the defendants may answer severally; or any two or more may answer jointly; and in their answers set forth the right or interest

which they and each of them have in the estate for the partition of which the action is commenced.

SEC. 15. In suits for partition, at law or in equity, the court may order the share of any plaintiff, or of any defendant, or of any two or more of the parties plaintiff and defendant, to be set off to him or them, dividing the remainder, or leaving it undivided, in their discretion.

SEC. 16. In suits in equity for partition, the supreme court may, in their discretion, upon motion of any party to such suits, whether such suit be now pending, or be hereafter commenced, order the whole premises sought to be divided, or any particular lot, portion or tract thereof, or the interest of the plaintiff or plaintiffs or of the defendant or defendants in the whole premises, or in any particular lot, portion or tract thereof, to be sold at public auction, under the direction of the court, by the commissioners appointed to divide the same.

SEC. 17. No person interested in the estate and not a party to the suit, shall be bound by such sale; but the court may, upon motion proceed to make all persons interested in said estate, parties thereto, though non-residents, absent or unknown, in the manner hereinbefore provided; in which case, if the whole or their shares of the estate be ordered to be sold, said decree shall forever thereafter, in favor of the purchaser of said estate or shares, and of those claiming under or by virtue of him, be binding upon such non-resident, absent, or unknown persons, though not appearing to said suit.

SEC. 18. In case of such sale, the proceeds of sale shall be divided, under the direction of the court, between the parties entitled thereto, in lieu of their interest in the land, or interest in the land ordered or decreed to be sold; and the portion of the proceeds of sale to which any party or person unknown, or absent from this state, and not appearing to claim the same, may be entitled, may be invested for such person by the commissioners, under the direction of the court, and in such name as the court may direct, after deducting from such portion, such party or person's reasonable share of the costs and expenses of partition, to be allowed by the court to those entitled thereto. In all cases, such investment and the further disposition of the same, and the deposit and disposition to be made of the evidence thereof, shall be subject only to the order and control of the court.

SEC. 19. In actions of partition, as well as in suits in equity for the same, the court before which the same may be pending may adjudge and determine, as to them shall appear equitable and just, relative to the apportionment of costs among the parties, plaintiff and defendant, by dividing the same equally, or subjecting either party to the payment of the whole or any part thereof.

SEC. 20. In suits for partition, either at law or equity, the costs of partition, in such proportion as the court trying the same shall adjudge to be paid by any party or parties to said suit, shall be a lien upon the interest of any party or parties in the several shares to him or them assigned; and, in addition to the mode of recovery

now used, may be recovered by sale of said several shares upon execution to be issued in due form therefor, in favor of the party or parties who may, by payment of said costs, be entitled to recover the same.

SEC. 21. In actions at law for partition, either party may appeal from the judgment of the court of common pleas that partition shall be made; but if no such appeal shall be prayed in open court within two days next after such judgment, the same shall be final; and it shall be the duty of such court thereupon, on the motion of the plaintiff in such writ of partition, to appoint and commission, at their discretion, one or more discreet, impartial and disinterested persons, to make partition pursuant to such judgment, who shall be sworn to the faithful discharge of their trust.

SEC. 22. It shall be the duty of the persons so appointed, first giving reasonable notice to the respective parties, to make partition between them, according to their several rights, as ascertained by the judgment of the court ordering such partition.

SEC. 23. In case non-resident, absent or unknown parties or persons be interested in such partition, and whether the commission to make partition issue at law or in equity, the court issuing the same may order such notice to be given to such parties or persons interested, by the commissioners appointed to make partition, as said court may judge proper; and the same, when given, shall, for all purposes, be as effectual as personal notice.

SEC. 24. In actions at law for partition, the commissioners appointed to make the same shall report their proceedings, with a plat of the division by them made, to the court by whom they shall have been appointed; and if no sufficient cause shall be shown for rejecting the said report, judgment shall be rendered thereon in conformity thereto; and said report, plat and judgment shall be recorded in the office of the town clerk of the town or towns in which said estate may be; the expense of which record shall be made a part of the costs in said action.

SEC. 25. If an appeal from any judgment of the court of common pleas for making partition shall be prayed as aforesaid, and on hearing of the case before the supreme court, judgment shall therein be rendered for partition, it shall be the duty of said supreme court, in like manner, to appoint and commission, at their discretion, one or more discreet, impartial and disinterested persons, to make partition pursuant to the judgment of said court, who shall cause partition to be made in like manner, and under the same regulations as are above prescribed in case the said judgment for partition had been rendered in the court of common pleas; and whenever any judgment of any court of common pleas for partition shall be confirmed by the supreme court, on the complaint of any party not appealing therefrom, similar proceedings shall be had in said supreme court.

CHAPTER 204.

OF WASTE, ACTION OF WASTE AND WRITS OF ESTREPEMENT.

SECTION
1, 2 and 3. Of forfeiture for waste, by whom to be suffered, and how recovered.
4. Effect of non-appearance of one of two or more joint owners, in action of waste.
5. Writs of estrepement, how issued, directed and served.
6. Power of officer charged with, to stay waste.
7. Notice of application for, and power of court, &c., upon hearing.
8. Of power of court to require security of applicant against loss or damage from writ.
9. Such writs, how to be returned.

SECTION 1. If any person who shall be seized of any real estate for the term of his own life, or for the life or lives of any other person or persons, or as a tenant for years, shall commit or suffer any waste on such estate, he shall forfeit his estate in the place so wasted, and double the amount of the waste so done or suffered to be recovered in an action of waste by the person entitled to the next estate in remainder or reversion, in the place so wasted.

SEC. 2. If any joint-tenant, tenant in common or coparcener, shall commit any waste on any estate by him holden in joint-tenancy, tenancy in common or coparcenary, without the consent of the other joint-tenants, tenants in common or coparceners, he shall forfeit double the amount of the waste so done, to be recovered by the other joint-tenants, tenants in common or coparceners, to their own use.

SEC. 3. In such case it shall be lawful for any one or more of the other joint-tenants, tenants in common or coparceners, to commence an action for the same in the name of all the joint-tenants, tenants in common or coparceners.

SEC. 4. If any person named as plaintiff without his consent shall neglect to appear after being duly notified, in such manner as the court shall direct, his name shall be stricken from the writ and pleadings, and the others shall have a right to prosecute the same to final judgment and execution, in their own names and for their own use.

SEC. 5. The supreme court in any county, and each of the justices thereof in vacation, on the application of the plaintiff, in an action of ejectment, trespass and ejectment, partition or waste, are hereby empowered, under the provisions following, to issue a writ of estrepement, directed to the sheriff, or to his deputies in the county in which the estate in question may be, requiring him to stay all the waste on the estate that shall be described in such writ of estrepement.

SEC. 6. The sheriff or his deputy, charged with the service of such writ, shall have power to stay all waste, as shall be directed

in such writ, and to take such aid as shall be necessary for that purpose.

SEC. 7. Upon the application of any party for a writ of estrepement, said court or justice, before issuing the same, shall cause the party whose interests may be affected thereby, to be notified of the pendency of such application in such manner and mode as said court or justice may deem proper, to the end that the party so to be affected by, as well as the party applying for, said writ, may be heard in the premises. Upon such hearing, the said court or justice may, in their discretion, issue or refuse to issue said writ, in the same manner as courts of equity grant or refuse to grant injunctions in like cases.

SEC. 8. The said court or justice may, on said hearing, and before the issuing of said writ, require of the party applying for the same, bond with sufficient surety, and in such sum as said court or justice may prescribe, to make good to the party whose interests may be affected by said writ, all loss and damage which he may suffer by reason of the issuing of said writ; if said court or justice, in their discretion, judge that the circumstances of the case or the rights of the parties require such bond to be given.

SEC. 9. If such writ of estrepement shall be issued by the court, it shall be returnable at such time as the court shall direct; and if such writ shall be issued by a justice of said court, it shall be returnable to the next term of said court within and for the county in which the estate lies, which is described therein.

CHAPTER 205.

OF THE ACTION AGAINST TENANTS AND OF NOTICES TO QUIT.

SECTION
1. Notice to quit to tenants at will, &c. what.
2. To tenants by parol from year to year, what.
3. To tenants by parol for terms less than a year, what.
4. Notice by such tenants to landlord, what.
5. Notice to quit to and by tenants by written lease.
6. Of landlord, right to possession in case of non-payment of rent.
7. Of remedy to recover possession.

SECTION 1. Tenants of lands or tenements at will or by sufferance, shall quit upon notice in writing from the lessor or owner, at the day named therein.

SEC. 2. Tenants by parol, of house, tenement or messuage, or of farm and farming lands from year to year, shall quit upon notice in writing from the lessor or owner, given at least three months prior to the expiring of the occupation year.

SEC. 3. Tenants by parol of houses, tenements, messuages, farms or farming lands, for any term less than a year, shall quit

upon notice in writing from the lessor or owner given at least half the period of the term not exceeding in any case three months prior to the expiration of the same, at any return thereof.

SEC. 4. To terminate leases at will or by sufferance or by parol, like notice shall be given by the tenant, if he would be quit of the same, as is prescribed to be given by the lessor or owner; and such notice shall have the same effect for all purposes as if given by the lessor or owner to the tenant.

SEC. 5. The time named in a definite written lease shall be the time of the termination thereof for all purposes; and if there be no time of termination named therein, it shall be deemed a letting from year to year, and the like notice to quit shall be required both from landlord and tenant, if either would be quit of the lease, as in case of letting by parol, and such notice from either shall have the like effect.

SEC. 6. If in any case of letting of lands or tenements, whether by writing or parol, the stipulated rent or any part of the same, be in arrear for the period of six months after demand made of the same from the tenant or his assigns by the lessor or person entitled to the reversion, the landlord or reversioner may re-enter and repossess himself of the lands and tenements let, or recover possession of the same from the tenant or his assignee discharged from the lease.

SEC. 7. The lessor or owner of lands or tenements shall be entitled to recover the same upon termination of the letting of the same, in manner aforesaid, either by ordinary process of ejectment, or in the manner prescribed for recovery of possession of tenements or estates from those who hold over the term of letting, in chapter one hundred and sixty-seven.

CHAPTER 206.

OF TRESPASSES.

SECTION
1. Of double damages for cutting, &c. growing trees, &c., and of action to recover the same.
2. Of proof in such action, unless defendant purges himself under oath.

SECTION 1. If any person shall cut, destroy, or carry away any tree, timber, wood or underwood whatever, lying or growing on the land of any other person, without leave of the owner thereof, he shall for every such trespass, pay the party injured, twice the value of any tree so cut, destroyed or carried away; and for the wood or underwood, treble the value thereof; to be recovered by action of trespass before any justice of the peace in the county, if the damages exceed not the sum of fifty dollars; but if they be

above that value, then before the supreme court, or court of common pleas in the same county, as the case may be.

SEC. 2. In case any dispute shall arise upon any action brought as aforesaid, where the plaintiff shall charge the defendant in trespass, with cutting, destroying, or carrying away any particular tree, parcels of timber, wood or underwood, off or from any such land as aforesaid, or of being aiding or assisting therein, then in such case, if the plaintiff, his agent or attorney shall make oath that there have been cut, destroyed or carried away, such and so many trees, parcels of wood or underwood, as mentioned in the writ, and that he suspects the defendant to have committed the said trespass, although the plaintiff, his agent or attorney may not be able to produce any other evidence thereof than such circumstances as render it highly probable in the judgment of the justice or such other court before whom the trial is, then and in such case, unless the defendant shall acquit himself upon oath, to be administered to him by the court or justice who shall try the cause, the plaintiff shall recover against the defendant, damages and costs: but if the defendant shall acquit himself upon oath as aforesaid, the court or justice before whom the trial is, shall enter up judgment for the defendant, to recover against the plaintiff, double his costs occasioned by such prosecution.

CHAPTER 207.

OF PROCEEDINGS IN FORCIBLE ENTRY AND DETAINER.

SECTION
1. Complaint in, how made, and warrant in, how issued and directed, and form of warrant.
2. Form of summons to party complained against.
3. Summons, how and when to be served.
4. Of impanelling jurors; form of oath of, and nature of inquiry before.
5. Verdict of jury, in case complaint found true.
6. Of judgment on such verdict, award of writ of restitution and costs, and form of writ.
7. Of costs and execution for, in case complaint not supported by verdict.
8. No appeal from and effect of judgment in.
9. Of removal of proceeding by certiorari to supreme court and power of court over.
10. Limitation of complaint in.
11. Fees of jurors, how paid, and when to be taxed in costs.

SECTION 1. When complaint shall be made in writing and under oath, to a justice of the supreme court that any person hath made unlawful and forcible entry into lands or tenements, and with a strong hand detains the same, or that, having lawful and peaceable entry, or peaceable entry into lands or tenements, any person, unlawfully and with force holds and detains the same, said justice shall make out his warrant under his hand and seal directed to the

sheriff of the county in which such lands or tenements lie, or to his deputy, commanding him in behalf of the state to cause to come before him, at such time and place as he may appoint within such county, twelve good and lawful men of the same county, which warrant shall be in the following form, to wit: —

The state of Rhode Island and Providence Plantations.

[SEAL.] SC. *To the sheriff of the county of or to his deputy, greeting: —*

Whereas complaint is made to me the subscriber, by of that of upon the day of at with force and arms and with a strong hand did unlawfully and forcibly enter into and upon a tract of land of him the said in aforesaid containing acres, bounded as follows, viz.: (or into the messuage or tenement of him the said as the case may be,) and him the said with force and a strong hand as aforesaid did expel and unlawfully put out of the possession of the same; (or, as the case may be, that having lawful and peaceable entry, or peaceable entry such person unlawfully and with force holds and detains him the said out of the same,) you are hereby commanded in behalf of the state to cause to come before us, upon the day of at in the said county, twelve good and lawful men of your county, to be impanelled and sworn, to inquire into the forcible entry and detainer, (or forcible detainer, as the case may be,) as afore described. Given under my hand and seal the day of in the year .

Justice of the supreme court.

SEC. 2. Said justice shall also make out his summons to the party complained against in form following, to wit: —

The state of Rhode Island and Providence Plantations.

[SEAL.] SC. *To the sheriff of our county of or to his deputy, greeting: —*

We command you, that you summon of to appear before the subscriber at a place called in in the said county, on the day of at o'clock in the noon, then and there to answer to and defend against the complaint of to him exhibited; wherein said complains that (here recite the complaint) and you are to make return of this writ with your doings thereon unto me, upon or before the said day. Witness our said justice, the day of in the year .

Justice of the supreme court.

SEC. 3. Said summons shall be served upon the party complained against, or a copy thereof left at his usual place of abode, six days exclusive, before the day appointed by the justice for the trial; and if after the service of such summons the party shall not appear to defend, the justice shall proceed to the inquiry, in the same manner as if he was present.

SEC. 4. When the jury summoned, or such other jurors as may

be taken up on a new venire to be issued by said justice if occasion should require, shall appear, they shall to the number of twelve be impanelled to inquire into the forcible entry and detainer, or forcible detainer complained of, and the justice shall lay before them, the exhibited complaint, and shall administer to them the following oath, to wit: —

Foreman's oath.

You, as foreman of this jury, do solemnly swear (or affirm) that you will well and truly try, whether the complaint of now laid before you is true, according to the evidence: so help you God; (or, this affirmation you make and give upon peril of the penalty of perjury.)

The oath of the other jurors.

The same oath which your foreman has taken on his part you and every one of you will well and truly observe and keep: so help you God; (or, this affirmation you make and give upon peril of the penalty of perjury.)

SEC. 5. If, upon a full hearing of the cause, the jury shall find the complaint laid before them supported by the evidence, they shall sign and return to the justice their verdict, in form following, to wit: —

At a court of inquiry holden before one of the justices of the supreme court within and for the county of at upon the day of in the year the jury, upon their oaths, do find that the lands or tenements in aforesaid, bounded (or described) as follows, (as in the complaint,) upon the day of in the year were in the lawful and rightful possession of the said and that the said did, upon the same day, unlawfully, with force and arms and with a strong hand, enter forcibly into the same, and (or being lawfully upon the same) did unlawfully, with force and a strong hand, hold and keep out the said and that he doth still continue wrongfully to detain the possession from him the said : whereupon the jury find, upon their oaths aforesaid, that the said ought to have restitution thereof without delay.

SEC. 6. Upon the return of verdict for the complainant as aforesaid, the justice shall enter up judgment that the complainant have restitution of the premises, with all costs, to be taxed by the justice, and shall award his writ of restitution and for costs against the party complained of in form following, to wit: —

The state of Rhode Island and Providence Plantations.

[SEAL.] SC. *To the sheriff of our county of or to his deputy, greeting: —*

Whereas at a court of inquiry of forcible entry and detainer, holden at in our county of upon the day of in the year before one of the justices of the supreme court, the jurors impanelled and sworn by our said justice, did return their

verdict in writing, signed by each of them, that was upon the day of in the rightful possession of a certain messuage or tract of land, (as in the verdict returned,) and that (as in the verdict) whereupon it was considered by our said justice, that the said should have restitution of the same; we command you, that taking with you the power of the county if necessary, you cause the said to be forthwith removed from the premises, and the said to have peaceable possession of the same; and also, that you levy of the goods and chattels and real estate of the said the sum of being costs taxed against him on the trial aforesaid, together with twenty-five cents more for this writ, and also your own fees for levying the same; and for want of such goods and chattels or real estate of the said to be by you found, you are commanded to take the body of the said and him commit to our jail in in the said county of there to remain until he shall pay the sum aforesaid, together with all fees arising on the service of this writ, or until he is delivered by order of law; and make return of this writ and your doings thereon within twenty days next coming. Witness our said justice at aforesaid, the day of in the year .

Justice of the supreme court.

SEC. 7. If the verdict be that the complaint is not supported, or the jury cannot agree upon a verdict, the defendant shall recover his costs of the proceeding, to be taxed by the justice, who shall award to him, in common form, execution therefor.

SEC. 8. No appeal shall be allowed from the judgment of said justice, nor shall a new trial be granted by him or by the supreme court in this proceeding, nor shall such judgment be a bar to any action thereafter brought by either party.

SEC. 9. Such proceeding may be removed by certiorari into the supreme court, and be there quashed for irregularity, if any such there be.

SEC. 10. Complaint as aforesaid may be made within three years after the forcible entry and detainer, or forcible detainer complained of be committed, and not after.

SEC. 11. Each person summoned and attending as a juror shall be entitled to the same allowance per day for his attendance, and for travel per mile, as for like attendance and travel in the supreme court; to be paid in the first instance by the complainant before the verdict shall be received, and to be taxed in the bill of costs against the defendant, if the verdict be against him.

CHAPTER 208.

OF REPLEVIN.

SECTION
1. Goods and chattels, when repleviable.
2. Form of writ.
3. How directed and served when sheriff is party.
4. Of replevin bond to be taken.
5. Power of court to order further bond.
6. Judgment of restoration and damages upon complaint for neglect to prosecute.
7. Judgment of restoration and damages after trial.
8. Judgment for damages for detention, when plaintiff succeeds.
9. Of damages and costs in case plaintiff succeeds as to part of goods.
10. Goods replevied from taking on process, how long liable to, after judgment of restoration.
11. Creditor's right to defend suit against officer, and damages for detention in such case to whose use recovered.
12. Form of writ of return and restoration.
13. Writs of replevin, when issuable by justices of the peace, and of proceedings on.

SECTION 1. When any goods or chattels of more than fifty dollars value, shall be unlawfully taken or unlawfully detained from the owner or from the person entitled to the possession thereof, and when any goods or chattels of that value, which are attached on mesne process or execution or warrant of distress, are claimed by any person other than the defendant in the suit or process in which they are attached, such owner or other person may cause the same to be replevied.

SEC. 2. The writ in such case shall be substantially as follows:—

The state of Rhode Island and Providence Plantations.

[SEAL.] SC. *To the sheriffs of our several counties and to their deputies, Greeting*:—

We command you, that you replevy, if to be found within your precinct, the goods and chattels following, viz.: (here enumerate and particularly describe them) belonging to of now taken (detained or attached as the case may be) by of at in the county of and them deliver unto the said provided the same are not taken, attached or detained upon mesne process, warrant of distress or upon execution as the property of the said and summon the said that he appear before our court of common pleas (or supreme court) next to be holden at within and for the county of on the Monday of to answer unto the said in a plea of replevin; that the said on the day of at said unlawfully, and without justifiable cause, took the goods and chattels of the said as aforesaid, and them unlawfully detained unto this day, (or, unlawfully detained the goods and chattels aforesaid, as the case may be,) to the damage of the said as he says dollars. Hereof fail not, and make true return of this

writ with your doings thereon, together with the bond you shall take of the plaintiff.

Witness, Esq., at this day of in the year . Clerk.

SEC. 3. If any sheriff or deputy sheriff be party to such suit, then the writ shall be directed to and served by either of the town sergeants in the county in which the same is to be served.

SEC. 4. The officer charged with the service of any such writ shall, before serving the same, take from the plaintiff or from some one in his behalf, a bond to the defendant, with sufficient sureties in double the value of the goods and chattels to be replevied; with condition to prosecute the said writ of replevin to final judgment, and to pay such damages and costs as the defendant in said writ shall recover against him, and also to return and restore the same goods and chattels in like good order and condition as when taken, in case such shall be the final judgment on said writ.

SEC. 5. In case the defendant shall, at any time pending the writ of replevin, be dissatisfied with the amount or the sureties in such bond, the court before which the same shall be pending may, on his motion, and for cause shown, in their discretion, order the plaintiff to give further bond or further surety; and if the plaintiff do not comply with said order, his action shall be dismissed, and judgment shall be rendered for the defendant, for a return and restoration of the goods and chattels replevied, and for damages and costs, the same as if the plaintiff had neglected to enter his writ of replevin.

SEC. 6. Whenever any plaintiff in replevin shall neglect to enter and prosecute the suit, the defendant may upon complaint, have judgment for a return and restoration of the goods and chattels replevied, and damages for the taking, to the amount of six per cent. on the penal sum of the bond, with reasonable costs; and a writ of return and restoration thereupon accordingly.

SEC. 7. If upon trial of the writ of replevin, judgment shall be rendered for a return and restoration, the defendant shall recover for his damages six per cent. on the penal sum of the bond, if such judgment shall be recovered within one year from the date of such writ; but if such judgment shall be recovered after the expiration of one year from the date of said writ, the defendant shall have for his damages six per cent. per annum on the penal sum of the bond.

SEC. 8. If upon trial of the writ of replevin, the plaintiff shall make good his plea, he shall recover of the defendant his reasonable damages for the taking and detention of the goods and chattels and his costs.

SEC. 9. If upon trial of the writ of replevin, the plaintiff shall make good his plea for part of the goods replevied, and shall fail to make it good as to the other part, he shall have judgment for his reasonable damages for the taking and detention of the part adjudged to be his, and his costs; and the defendant shall have judgment for a return and restoration, as provided in the seventh

section of this chapter, for the goods and chattels adjudged to him with damages, to be estimated as provided in said section, according to the relative value of such part, and all the goods and chattels replevied, with or without cost at the discretion of the court; but the court before whom such trial shall be had shall in such case set off the damages recovered by each.

SEC. 10. When the goods and chattels replevied shall have been taken on execution or warrant of distress, they shall, in case of a judgment of return and restoration, be held responsible for the space of twenty days after the return thereof; if on mesne process, until thirty days shall have expired after final judgment thereon, in case judgment shall not then have been given; but if final judgment on mesne process shall have been given before the return, then for the space of twenty days only after the return; to the end that the creditor at whose suit they were originally taken may have a complete remedy, and the benefit of his attachment.

SEC. 11. Whenever any action of replevin shall be brought against an officer who has taken or attached goods and chattels at the suit of a creditor, such creditor shall have the right to assume the defence of said suit upon indemnifying the officer against damages and costs therein, and the money recovered by way of damages by any such officer shall be deemed to be recovered to the use of the attaching creditor, and when received shall be paid over to him.

SEC. 12. The writ of return and restoration shall be substantially as follows: —

The state of Rhode Island and Providence Plantations.

[SEAL.] SC. *To the sheriffs of our several counties, or to their deputies, greeting:* —

Whereas of in the county of lately replevied the following goods and chattels, viz.: (here enumerate and particularly describe them,) which of in our said county of had unlawfully taken, (detained or attached as the case may be,) as the said suggested, and caused the said to be summoned to appear before our court of common pleas (or supreme court) then next to be holden at within and for our said county of to answer unto said for such unlawful taking, (detaining or attaching, as the case may be,) on the Monday of . And whereas to our said court at their said term, begun and holden as aforesaid, upon a full hearing of the cause of the taking, (detaining or attaching, as the case may be,) it appeared that the said taking, (detaining or attaching, as the case may be,) was lawful and justifiable; whereupon it was then and there by said court considered, that the same be returned and restored unto the said irrepleviable; and that the said recover against the said the sum of dollars, damages, for his taking the same by the said process of replevin, and his costs of defence, taxed at as to us appears of record, whereof execution remains to be done: We command you therefore, that you forthwith return and restore

the same goods and chattels unto the said and also that of the goods and chattels and real estate of the said within your precinct, you cause to be levied and paid unto the said the aforesaid sums, being in the whole with twenty-five cents more for this writ, together with your fees; and for want of such goods and chattels or real estate of the said to be by you found within your precinct to satisfy and pay the sums aforesaid, we command you to take the body of the said and him commit to our county jail in your precinct, therein to be kept until he pay the sums aforementioned, with your fees, or until he be discharged by the said or otherwise by order of law. Hereof fail not, and make true return of this writ and your doings thereon to our next court of common pleas (or supreme court) to be holden at in our said county of on the Monday of next.

Witness, Esq., at this day of in the year . Clerk.

SEC. 13. Justices of the peace shall have power to issue writs of replevin where the goods and chattels to be replevied are of fifty dollars or less in value, if they were taken, attached or detained in the town in which the justice dwells who issues the writ. They are also empowered to try the same and to award execution therein, adhering in their proceedings, as near as may be, to the forms herein prescribed.

CHAPTER 209

OF ACCOUNT.

SECTION
1. Action of, when lies between tenants in common, &c., or joint owners of property real or personal.
2. Of appeal from judgment in.
3. Of the appointment, qualification and duties of auditors in.
4. Of powers of auditors.
5. Of judgment and costs on report, and compensation of auditors how paid.
6. Auditors act by majority, though all must accept and meet.

SECTION 1. When two or more persons have and hold any estate, interest or property, whether real or personal, in common, as joint-tenants, tenants in common, coparceners or joint owners, and one or more of the owners of such common property shall take, receive, use or have benefit thereof, in greater proportion than his or their interest therein, such owner or owners, his or their executors and administrators, shall be liable to render his or their account of the use and profit of such common property, to his or their fellow commoner or commoners, jointly or severally; and such the fellow commoner or commoners, or any or either of them, their executors or administrators, may and are hereby authorized to have his or

their action of account against such receiver or receivers, or either of them, as his or their bailiff or bailiffs, for receiving more than his or their part or proportion as aforesaid.

SEC. 2. Any defendant in such action may appeal to the next term of the supreme court to be holden in the same county, from a judgment of the court of common pleas against him that he shall account; but if no such appeal be prayed in open court, within two days next after such judgment, the same shall be final.

SEC. 3. Upon rendering final judgment against the defendant in such action that he shall account, the court rendering the same shall appoint not exceeding three auditors; who, upon being sworn by said court or any justice of the peace or public notary, to a faithful and impartial discharge of their duties, shall appoint a time and place to meet the parties in said action, and to take the account as required in said judgment, and give notice thereof to said parties.

SEC. 4. When any defendant shall unreasonably refuse or neglect to appear at the time and place assigned by said auditors, or after appearing, shall refuse or neglect to render an account, the auditors may award to the plaintiff the whole of his demand; and it shall be in the power of the auditors to administer an oath to the parties respectively, and to examine them respecting their accounts and the matters submitted to them; and upon either of the parties refusing to take an oath, truly to answer such questions as shall be asked, or to answer directly to the interrogatories put to him, it shall be in the power of the auditors to commit him to jail, there to remain at his own charge until he consent to take such oath, and answer such interrogatories.

SEC. 5. When the auditors appointed in any case shall have made their report or award concerning the matters submitted to them, to the court from whence they shall have received their appointment, if no legal cause shall be shown for setting aside such award or report, judgment shall be rendered in conformity thereto, and also for costs, including such reasonable allowance to the auditors for their service as the court shall judge proper to make; and the said compensation to the auditors shall be paid down by the party in whose favor final judgment shall be rendered, before he shall have execution on said judgment.

SEC. 6. A major part of the auditors appointed in any case, agreeing and signing said report or award, the same shall be equally binding and conclusive as if agreed to and signed by all of them: *Provided*, that it shall be necessary in order to give validity to such report or award, that all the auditors shall accept of their appointment, and meet on the subject-matter thereof.

TITLE XXX.

Of Crimes and Punishments.

CHAPTER 210. Of offences against the sovereignty of the state.
CHAPTER 211. Of offences against public justice.
CHAPTER 212. Of offences against the person.
CHAPTER 213. Of offences against the public peace, and property.
CHAPTER 214. Of offences against private property.
CHAPTER 215. Of forging and counterfeiting.
CHAPTER 216. Of offences against chastity, morality and decency.
CHAPTER 217. Of offences against the public health.
CHAPTER 218. Of offences against public policy.
CHAPTER 219. General provisions concerning crime.

CHAPTER 210.

OF OFFENCES AGAINST THE SOVEREIGNTY OF THE STATE.

SECTION
1. Treason by levying war, &c., how punished.
2. Misprision of treason defined, and how punished.
3. Treason by levying war, &c., how to be proved.
4. Illegal meetings for elections declared void, and penalty upon moderator, &c., of.
5. Being candidate for office by virtue of illegal election, punished.
6. Exercising certain offices by virtue of illegal elections, punished.
7. Illegal meetings for elections declared riotous, &c., assemblies, and how to be dispersed.
8. Jurisdiction over treasonable offences, where vested; in what county exercisable.
9. Warrant for apprehension of such criminals, how to be allowed.
10. Of proceeding against persons accused of treasonable offences, and warrant against, how directed, served and executed.

SECTION 1. Every person who shall be convicted of treason against this state by levying war against the same, or by adhering to the enemies of this state, giving them aid and comfort, shall be imprisoned during life.

SEC. 2. If any person shall have knowledge of the commission of treason against this state by levying war against this state, or by adhering to the enemies of the state, giving them aid and comfort, and shall conceal the same, and shall not as soon as may be, disclose and make known such treason to the governor or to some magistrate, such person shall be deemed guilty of misprision of trea-

son against this state, and upon conviction thereof, shall be imprisoned not exceeding twenty years, nor less than five years, or be fined not exceeding ten thousand dollars.

SEC. 3. No person shall be convicted of treason against this state by levying war against the same, or by adhering to the enemies of this state, giving them aid and comfort, but by testimony of two lawful witnesses to the same overt act for which he shall then be on trial, unless he shall in open court confess the same.

SEC. 4. All town-meetings of the freemen, inhabitants or residents of this state, or of any portion of the same, for the election of any town, city, ward, county or state officers, called or held in any town or city in this state, except in the manner, for the purposes, at the times, and by the persons by law prescribed, are illegal and void; and any person who shall act as moderator, warden, or clerk in such pretended meetings hereafter to be held, or in any manner receive, record or certify votes for the election of any pretended town, city, ward, county or state officers, shall be deemed guilty of a misdemeanor, and shall be fined not exceeding one thousand dollars, nor less than five hundred dollars, and be imprisoned for a term of six months: *Provided*, that this section is not intended to apply to cases in which by accident or mistake, some prescribed forms of calling town and ward meetings, of the electors of the several towns and cities of this state shall be omitted or overlooked.

SEC. 5. Any person who shall in any manner signify that he will accept any legislative, executive, judicial or ministerial office, by virtue of any pretended election in any such pretended town, ward or other meetings, or shall knowingly suffer or permit his name to be used as a candidate therefor, shall be adjudged guilty of a high crime and misdemeanor, and be fined not exceeding two thousand dollars, and be imprisoned for the term of one year.

SEC. 6. If any person, except he be duly elected thereto according to the laws of this state, shall assume or exercise any of the legislative, executive, or ministerial functions of the office of governor, lieutenant-governor, senator, member of the house of representatives, secretary of state, attorney-general, or general treasurer of this state, within the territorial limits of the state, as the same are now actually had and enjoyed, either separately or with others, or shall assemble with others for the purpose of exercising any of said functions, he shall be imprisoned during life.

SEC. 7. Such meetings as are described in the fourth section of this chapter, and also all meetings of persons other than those authorized by law, calling themselves when collected, or claiming to be the general assembly of this state, or either house thereof, are hereby declared to be riotous, tumultuous and treasonable assemblies; and the commander in chief, the sheriff of any county or any deputy sheriff, any justice of the supreme court, the mayor of the city of Providence, or in his absence the board of aldermen of said city, are hereby authorized and required to command such assemblies, or any of them, to disperse; and if they do not forthwith obey said command, then by the civil posse, or if they deem it necessary

by calling out and using for that purpose the whole or any portion of the military force of this state, within their respective jurisdictions, that they or either of them may deem sufficient therefor, to disperse such assemblies or any of them within their jurisdictions; and all such officers and all military officers in this state, and persons under their command, are hereby directed to govern themselves accordingly.

SEC. 8. The supreme court alone shall have jurisdiction to try persons accused of offences against either or any of the foregoing sections. Indictments under the same may be preferred and found in any county in the discretion of the attorney-general, without reference to the county in which the offence is charged to have been committed; but they shall be tried in the county where found, unless the court shall for good cause remove the same into some other county.

SEC. 9. No magistrate shall issue any warrant to apprehend any person for any such offence, unless the complaint shall be first allowed of, and indorsed or countersigned by the governor or by the attorney-general.

SEC. 10. When any magistrate shall adjudge any person, rightfully before him, to be probably guilty of any such offence, he shall order him to be committed to the state's jail, in such county as he shall deem proper, there to remain until discharged by order of law; and issue his warrant accordingly, directed to the sheriff or his deputy, or to either of the town sergeants or constables in the same county with himself, and to the keeper of the state's jail in the county in which the accused is to be committed; which warrant may be executed by the officer charged therewith, although beyond his precinct, and shall constitute him, while charged therewith, an officer, the menacing, threatening, obstructing, striking, insulting, assaulting or in any other manner abusing of whom, while in the execution of his office, shall be punished as is, or may be by law, in other cases provided.

CHAPTER 211.

OF OFFENCES AGAINST PUBLIC JUSTICE.

SECTION
1. Perjury, defined and how to be punished.
2. Subornation of perjury, defined and how to be punished.
3. Inciting to commit perjury, how to be punished.
4. Administering and taking oaths without authority, how.
5. Bribing judicial officer, how.
6. Acceptance of bribe by judicial officer, how.
7. Rescue of person charged with, or convict of crime, how.
8. Menacing, obstructing, &c., officer in execution of his office, how.
9. Jailer or officer suffering voluntary escape of person charged with, or convict of crime, how.

SECTION
10. For suffering negligent escape of, how.
11. Conveying instruments to prisoners to enable them to break jail, how.
12. Conveying tools to or communicating with prisoners in state prison from outside of prison, how.
13. Conveying wine or liquors to prisoners in state prison, how.
14. Prisoners in, assaulting warden, &c., of, how to be punished.
SECTION
15. Killing warden, &c., of, how.
16. Officers, how to be punished for extortion.
17. Falsely assuming to be officer, how.
18. Compounding of crimes, how.
19. Sheriffs, &c., for illegal delay of duty for reward, how.
20. Officers receiving fines, &c., and neglecting to pay them over, how.

SECTION 1. Every person of whom an oath or affirmation is or shall be required by law, who shall be convicted of wilfully swearing or affirming falsely, in regard to any matter or thing respecting which such oath or affirmation is or shall be required, shall be deemed guilty of perjury, and shall be imprisoned not exceeding twenty years.

SEC. 2. Every person who shall be convicted of subornation of perjury, by procuring another to commit perjury, shall be imprisoned not exceeding twenty years.

SEC. 3. Every person who shall be convicted of endeavoring to incite or procure another to commit perjury, though the person incited do not commit perjury, shall be imprisoned not exceeding ten years.

SEC. 4. If any person not authorized by law to administer oaths and affirmations, shall administer any oath, affirmation or obligation in the nature of an oath, or if any person shall knowingly or willingly permit or suffer any such oath, affirmation or obligation in the nature of an oath, to be administered to him by any person not authorized by law, every person so offending shall be fined one hundred dollars for every offence.

SEC. 5. Every person who shall be convicted of giving any sum of money or any bribe, present or reward, or any promise or security for any, to obtain or influence the opinion, judgment, verdict, sentence, report or award of any judge, justice of the peace, warden, juror, auditor, referee, arbitrator, master in chancery or person summoned as a juror, in any matter or cause pending or to be tried before him alone or before him with others, shall be imprisoned not exceeding seven years, or shall be fined not exceeding one thousand dollars.

SEC. 6. Every judge, justice of the peace, warden, juror, auditor, referee, arbitrator, master in chancery or person summoned as a juror, who shall be convicted of accepting, receiving or agreeing for in any way, any bribe, present or reward to him offered, for the purpose of obtaining or influencing his opinion, judgment, verdict, sentence, report or award, in any matter or cause depending or to be tried before him alone, or before him with others, shall be imprisoned not exceeding seven years, or be fined not exceeding one thousand dollars.

SEC. 7. Every person who shall be convicted of setting at liberty or of rescuing either by force or stratagem, any person convicted

of any crime or offence, or in the custody of any officer upon any criminal charge, shall suffer the like imprisonment or penalty as the prisoner so rescued was sentenced to or would be liable to suffer upon conviction for the crime or offence wherewith he stood charged and in custody: *Provided*, that if the prisoner escaping shall be charged with or convicted of any crime, for which he may be imprisoned for any term exceeding ten years, the person convicted of so setting at liberty or rescuing, shall be imprisoned not exceeding ten years, or fined not exceeding three thousand dollars.

SEC. 8. Every person who shall be convicted of menacing, threatening, obstructing, striking, insulting, assaulting, or in any other manner abusing any officer, civil or military, while in the execution of his office, shall be imprisoned not exceeding one year, or fined not exceeding five hundred dollars.

SEC. 9. Every jailer or other officer who shall be convicted of voluntarily suffering any prisoner in his custody upon conviction or upon any criminal charge to escape, shall suffer the like imprisonment or penalty as the prisoner so escaped was sentenced to or would be liable to suffer upon conviction for the crime or offence wherewith he stood charged and in custody: *Provided*, that if the prisoner escaping shall be charged with or convicted of any crime the punishment whereof is by law capital, or for which he may be imprisoned for any term exceeding ten years, the jailer or other officer so convicted of voluntarily suffering him to escape, shall be imprisoned not exceeding ten years, or be fined not exceeding three thousand dollars.

SEC. 10. Every jailer or other officer who shall be convicted of negligently suffering any prisoner in his custody upon conviction or upon any criminal charge to escape, shall be imprisoned not exceeding one year, or fined not exceeding one thousand dollars.

SEC. 11. Every person who shall be convicted of conveying, without the knowledge of the jailer, any instrument or other thing whatsoever to any prisoner in any jail, whereby any prisoner might break jail, or in any way escape, shall be imprisoned not exceeding one year, or be fined not exceeding one thousand dollars; but in case any prisoner shall escape by means of any instrument or thing whatever to him so conveyed, the person so conveying the same shall suffer the like imprisonment and penalty as the prisoner so escaping was sentenced to or would be liable to suffer upon conviction for the crime or offence wherewith he stood charged and in custody: *Provided*, that if the prisoner so escaping shall be charged with or convicted of any crime, the punishment whereof is, by law, capital, or for which he may be imprisoned for any term exceeding ten years, the person conveying such instrument or thing shall be imprisoned not exceeding ten years, or be fined not exceeding three thousand dollars; and moreover shall be liable to pay all sums of money for which such prisoner was committed on execution, and all sums that shall be recovered against him in all suits in which he was committed on mesne process.

SEC. 12. Every person who shall convey any tools to, or shall have any communication, or hold any conversation with any pris-

oner confined in the state prison, from the outside of said prison, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not exceeding one hundred dollars, or imprisoned not exceeding three months.

SEC. 13. If any person shall convey or cause to be conveyed to any prisoner committed to the state prison, any wine or any strong liquor, without the consent of the warden, he shall, on conviction of the offence, be fined not exceeding fifty dollars.

SEC. 14. If any prisoner confined in the state prison shall assault the warden, any underkeeper or other officer of said prison, or shall attempt to escape from said prison, or shall effect an escape therefrom, said prisoner, upon conviction of either of said offences, shall be sentenced by the court to the same term of imprisonment in the state prison for which said prisoner was originally sentenced, except where the original sentence was imprisonment for life; to commence from the expiration of the original term of imprisonment of said prisoner.

SEC. 15. In case the warden, or any underkeeper, or any other officer of said prison be killed in any assault by a prisoner, such killing shall be murder, and punished accordingly.

SEC. 16. Every officer appointed by the state or by any town in this state, whose fees are stated by law, who shall be convicted of corruptly exacting or of extorting any more or greater fees for any service, than by law are stated and allowed, or of corruptly levying, demanding, receiving or taking, under color of his office, any bond, bill or note, or other assurance or promise whatever, securing the payment of a greater sum of money for any service than he is by law authorized to demand and receive, shall be imprisoned not exceeding one year, or be fined not exceeding one thousand dollars.

SEC. 17. Every person who shall be convicted of falsely assuming or pretending to be a judge, justice of the peace, warden, sheriff, deputy sheriff, town sergeant, city sergeant or constable, and of acting as such, shall be imprisoned not exceeding one year, or fined not exceeding one thousand dollars.

SEC. 18. Every person who shall be convicted of having knowledge of the commission of any crime or offence punishable by this title by imprisonment for the term of ten years or more, and of taking any money, gratuity, or reward, or any engagement therefor upon an agreement or understanding, express or implied, to compound or conceal such crime or offence, or not to prosecute therefor, or not to give evidence relative thereto, shall be imprisoned not exceeding five years, or be fined not exceeding five thousand dollars.

SEC. 19. If any sheriff, deputy sheriff, town sergeant, city sergeant or constable shall be convicted of receiving from any defendant or any other person, any money or other valuable thing, as a consideration, reward or inducement for omitting or delaying to perform any duty pertaining to his office, he shall be imprisoned not exceeding six months, or fined not exceeding five hundred dollars.

SEC. 20. All officers who shall receive any fines, forfeitures or

penalties, shall forthwith pay the same into the proper office where by law they ought to be paid; and if any officer, judicial, executive or ministerial, shall refuse or neglect, for the space of three months, to pay over any fine, forfeiture or penalty, or any part thereof, which may have come to his hands, to the proper officer to whom by law the same ought to be paid or delivered, he shall be fined treble the value or amount of the fine, forfeiture or penalty so withholden or not paid over.

CHAPTER 212.

OF OFFENCES AGAINST THE PERSON.

SECTION
1. Murder, how to be punished.
2. Manslaughter, how.
3. Robbery, how.
4. Rape, how.
5. Slitting nose, &c., with intent to disfigure, how.
6. Engaging in duel, how.
7. Challenging or accepting challenge to duel, how.
8. Inhabitant of state, fighting duel out state, by agreement made in the state, and wounding, so that person dies in state, of what to be tried and where, and how punished.
9. Seconds in such case, how and where.
10. Plea of autrefois acquit in such case.
11. Poisoning food, drink and medicine, with intent to kill or injure, how to be punished.

SECTION
12. Malicious threatening to accuse of crime, or threatening injury, by writing, to extort money, &c., how.
13. Assault, with intent to commit murder, robbery, rape, burglary and crime against nature, how.
14. Assault with dangerous weapons, how.
15. Malicious gouging, cutting off, and disabling limb, how.
16. Assault or battery, how.
17. Kidnapping citizen of state, how.
18. Judicial officers of state forbidden to aid claimant of fugitive slave.
19. Executive officers forbidden to arrest or detain such slave in jail.
20. Penalties for violation of preceding two sections.

SECTION 1. Every person who shall commit murder, shall be imprisoned for life.

SEC. 2. Every person who shall be convicted of manslaughter, shall be imprisoned not exceeding twenty years.

SEC. 3. Every person who shall be convicted of robbery, shall be imprisoned for life, or for any term not less than five years.

SEC. 4. Every person who shall be convicted of rape, shall be imprisoned for life, or for any term not less than ten years.

SEC. 5. Every person who shall be convicted of putting out an eye, slitting the nose, ear or lip, or of cutting off or of biting off, or of disabling any limb or member of another, with malice aforethought, and with intent to maim or disfigure such other, shall be imprisoned not exceeding ten years, nor less than one year.

SEC. 6. Every person who shall be convicted of voluntarily engaging in a duel, with any dangerous weapon, to the hazard of

life, shall be imprisoned not exceeding seven years, nor less than one year.

SEC. 7. Every person who shall be convicted of challenging another to fight a duel, with any dangerous weapon, to the hazard of life, and every person who shall be convicted of accepting a challenge to fight such duel, though no duel be fought, shall be imprisoned not exceeding seven years, nor less than one year.

SEC. 8. Every person, being an inhabitant of or resident in this state, who shall fight a duel without the jurisdiction of this state, by previous appointment or engagement made within the same, and in such duel shall inflict a mortal wound upon any person, whereof the person so injured shall afterwards die within this state, shall be deemed guilty of murder within this state; and may be indicted, tried, convicted and sentenced in the county in which such death shall happen.

SEC. 9. Every person, being an inhabitant of or resident in this state, who shall, by previous appointment or engagement made within the same, be the second of either party in any such duel as is mentioned in the next preceding section, and shall be present as the second when such mortal wound is inflicted, whereof death shall ensue within this state, shall be deemed to be an accessory before the fact, to the crime of murder within this state; and may be indicted, tried, convicted and sentenced within the county where the death shall happen.

SEC. 10. Any person indicted under either of the two sections next preceding, may plead a former conviction or acquittal of the same offence, in the state or country in which such duel was fought; and such plea, if admitted or established, shall bar all further proceedings against such persons for the same offence within this state.

SEC. 11. Every person who shall mingle any poison with any food, drink or medicine, with intent to kill or injure any person, and any person who shall wilfully poison any spring, well, or reservoir of water with such intent, and shall be thereof convicted, shall be imprisoned for life, or for any term of years.

SEC. 12. If any person shall maliciously threaten to accuse another of any offence, or shall by any written or printed communication threaten any injury to the person or property of another, with intent thereby to compel the person so threatened to do any act against his will, or with intent to extort money or any pecuniary advantage, and shall be thereof convicted, he shall be imprisoned not exceeding two years, or fined not exceeding five hundred dollars.

SEC. 13. Every person who shall be convicted of making an assault, with intent to commit murder, robbery, rape, burglary, or the abominable and detestable crime against nature, shall be imprisoned not exceeding twenty years, nor less than one year.

SEC. 14. Every person who shall be convicted of making an assault, or battery, or both, with a dangerous weapon, shall be imprisoned not exceeding two years.

SEC. 15. Every person who shall be convicted of pulling out or

putting out an eye of another, voluntarily, maliciously, and of purpose, or of cutting off or otherwise disabling any limb or member of any other person, maliciously, and of purpose, shall be imprisoned not exceeding five years, nor less than one year.

SEC. 16. Every person who shall be convicted of making an assault, or battery, or both, shall be imprisoned not exceeding one year, or fined not exceeding one thousand dollars.

SEC. 17. Every person who shall be convicted of transporting or carrying, or of causing to be transported or carried, by land or water, any citizen of this state, or any other person lawfully residing or inhabiting therein to any place without the limits of this state, without his consent or voluntary agreement, except in order to remove such person from one part of the state to another part of the same, or for the purpose of defending the same in time of war, agreeably to law, or except such person be sent by due course of law, shall be imprisoned not exceeding ten years, nor less than one year.

SEC. 18. No judge, justice, magistrate or court whatsoever of this state, shall grant any certificate or warrant to, or otherwise in any manner officially aid any person claiming or pursuing another as a fugitive slave, either under the act of congress, approved February 12th, 1793, entitled "An act respecting fugitives from justice and persons escaping from the service of their masters," or under the act of congress, approved September 18th, 1850, entitled "An act to amend, and supplementary to," said act.

SEC. 19. No sheriff, deputy sheriff, town sergeant, constable or other officer of this state, shall arrest or detain, or aid in the arrest or detention of any person claimed as a fugitive slave for or by reason thereof, or imprison such fugitive, as such, in any jail or other building belonging to this state, or to any city, town or village thereof.

SEC. 20. Any justice of the peace, sheriff, deputy sheriff, town sergeant, constable, jailer or keeper of a jail, who shall violate any provision of the two sections next preceding, shall, for every such offence, be fined five hundred dollars, or be imprisoned not exceeding six months.

CHAPTER 213.

OF OFFENCES AGAINST THE PUBLIC PEACE AND PROPERTY.

SECTION
1. Riotous assembly defined, and who may make proclamation to disperse; form of proclamation, and effect of disobedience to it.
2. Penalty for not aiding officer to disperse.
3. Riotous obstruction of officer from making proclamation, how to be punished.
4. Defacing or cutting public building, fence or other property, how.
5. Breaking public or private lamp, how.

SECTION 1. If any persons to the number of twelve or more, being armed with clubs or other weapons, or if any number of persons consisting of thirty or more, shall be unlawfully, routously, riotously or tumultuously assembled, any justice of the peace; sheriff, deputy sheriff, town sergeant or constable, shall among the rioters, or as near to them as he can safely come, command silence while proclamation is making, and shall openly make proclamation in substance as follows: —

"The state of Rhode Island and Providence Plantations.

"By virtue of the laws of said state, in relation to routs, riots, and tumultuous assemblies, I am directed to charge and command, and do accordingly charge and command all persons being here assembled, immediately to disperse themselves and peaceably to depart to their habitations or to their lawful business, upon the pains inflicted by said laws: God save the state."

And if such persons assembled as aforesaid shall not forthwith disperse themselves, it shall be lawful for every such officer to command sufficient aid and to seize, arrest and secure in custody all such persons, so that they may be proceeded against according to law; and if any such persons shall be killed or wounded by reason of their resisting the persons endeavoring to disperse or seize them, the said justice, sheriff, deputy sheriff, town sergeant, constables and their assistants, shall be indemnified and held guiltless.

SEC. 2. If any person being commanded by such justice, sheriff, deputy sheriff, town sergeant or constable as aforesaid, shall refuse or neglect to afford the assistance required, he shall be fined not less than seven dollars, nor more than thirty dollars.

SEC. 3. All persons who, after proclamation made as aforesaid, shall unlawfully, routously, riotously and tumultuously continue together, or shall wilfully obstruct or hinder any such officer, who shall be known or shall openly declare himself to be such, from making such proclamation, shall be fined not exceeding one thousand dollars, or shall be imprisoned not exceeding one year; and if any such persons so riotously assembled, shall demolish or pull down, or begin to demolish or pull down any dwelling-house or other building, ship or vessel, they shall be fined or imprisoned as aforesaid.

SEC. 4. If any person shall wilfully cut, deface or otherwise injure any public building, or fence, or other property belonging to this state, he shall on conviction thereof, be fined a sum not less than twice the amount of the damage done, unless that sum shall exceed twenty dollars; if it shall exceed that sum, he shall be imprisoned not exceeding one year.

SEC. 5. Every person who shall be convicted of wilfully breaking any public or private lamp or lantern, which is already set up or hereafter shall be set up in either of the towns, shall, for every such lamp or lantern so broken, be fined not exceeding twenty dollars.

CHAPTER 214.

OF OFFENCES AGAINST PRIVATE PROPERTY.

SECTION
1. Arson, how to be punished.
2. Malicious burning of house, not arson, or of ship or vessel, dam, lock, bridge or flume, how.
3. Malicious burning of hay or corn stalks, lumber, &c., how.
4. Wilful burning of buildings, goods, &c., to injure insurer, how.
5. Married woman punishable for above crimes, though property burnt their husband's.
6. Setting fire to woods, how.
7. Burglary, how.
8. Breaking and entering other than dwelling-house or ship, with intent to commit murder, rape, robbery or larceny, how.
9. Entering dwelling-house in night time, and breaking and entering, or entering houses or ships in daytime, with intent to commit above crimes, how.
10. Larceny defined, and how to be punished.
11. Stealing from the person, how.
12. Receiving stolen goods, how.
13. Falsely personating another, &c., to receive money, how.
14. Obtaining money, &c., by false pretences or tokens, how.
15. Embezzlement, how.
16. Embezzlement by officers of banks, how.

SECTION
17. Fraudulent issue of stock, how.
18. Fraudulent deposit or pledge of goods, or evidence of property in goods by agent or factor, how.
19. Wilful cutting out tongue or dismemberment of any beast, and malicious killing or poisoning beast of another, how.
20. Taking away, or maliciously injuring growing corn, vegetables, fruit or trees, buildings, &c., of another, how.
21. Power of officers to arrest and detain persons committing such mischief.
22. Robbing of fish-pots, weirs or nets, how.
23. Property stolen, how to be secured, returned and disposed of.
24. Malicious firing into baiting place for wild pigeons, how.
25. Strewing powder and sulphur on such baiting place, how.
26. Wilful placing any thing on railroad to hinder or impede passage of engine, car, &c., how.
27. Wilful cutting or breaking of telegraph posts or wires, how.
28. Malicious destruction of or injury to, public or private bounds, how.
29. Mischievous tearing, cutting, burning or damaging, and writing, &c., on bank-bills, how.

SECTION 1. Every person who shall be convicted of arson shall be imprisoned for life, or for any term not less than ten years.

SEC. 2. Every person who shall be convicted of wrongfully or maliciously burning or otherwise destroying any dwelling-house or other building whatever, the burning whereof shall not be arson at common law, or any ship or vessel, dam, lock, bridge or flume, shall be imprisoned not exceeding ten years.

SEC. 3. Every person who shall be convicted of maliciously and wilfully burning, or otherwise destroying any stack of corn, hay, grain, straw, corn stalks or husks, any flax, or fence, or fencing stuff, any pile or parcel of boards, timber or other lumber, or other property, except such the burning or destroying whereof is provided for in the two sections next preceding, shall be imprisoned not

exceeding two years, or be fined not exceeding one thousand dollars.

SEC. 4. Every person who shall wilfully burn any building or any goods, wares or merchandise, or other chattels, which shall at the time be insured against loss by fire, with intent to injure the insurer, whether such person be the owner of the property or not, shall be imprisoned not exceeding ten years, nor less than two years.

SEC. 5. The preceding four sections shall severally extend to a married woman who shall commit either of the offences therein described, though the property burned or destroyed shall belong partly or wholly to her husband.

SEC. 6. If any person shall set or cause any fire to be set in the woods in any part of this state, to run and spread at large, at any time of the year, under any pretence whatsoever, he shall be imprisoned not exceeding one year.

SEC. 7. Every person who shall be convicted of burglary shall be imprisoned for life, or for any term not less than five years.

SEC. 8. Every person who shall be convicted of breaking and entering any bank, shop, office or warehouse not adjoining to or occupied with a dwelling-house, any meeting-house, church, chapel, court house, town-house, college, academy, school-house, library or other building erected for public use, or occupied for any public purpose, or any ship or vessel, in the night time, with intent to commit murder, rape, robbery or larceny, shall be imprisoned not exceeding ten years.

SEC. 9. Every person who shall be convicted of entering any dwelling-house in the night time, or of breaking and entering, or entering in the daytime, any dwelling-house or other building, or any ship or vessel, with intent to commit murder, rape, robbery, arson or larceny, shall be imprisoned not exceeding five years, or be fined not exceeding five hundred dollars.

SEC. 10. Every person who shall be convicted of stealing any money, goods or chattels, any note of the treasurer of this state for the payment of money, any bank-bill, any certificate of any bank, or of any public officer or corporation, securing the payment of money to any person or certifying the same to be due, any order entitling a person to money or other article, any bill of exchange, bond, warrant, obligation, bill or promissory note, for the payment of money, or other valuable property, any record or paper belonging to any public officer, any writ, warrant or other legal process, any book account, any receipt for money, or other article paid or delivered, any adjustment or document of any kind, relating to the payment of money or delivery of any article, any indenture of apprenticeship, any deed, covenant, indenture or assurance whatever, respecting any property real or personal, shall be deemed guilty of larceny, and shall be imprisoned not exceeding five years, or fined not exceeding one thousand dollars.

SEC. 11. Every person who shall be convicted of stealing from the person of another any money, goods, chattels, or other article

enumerated in the next preceding section, shall be imprisoned not less than one year, nor more than ten years.

SEC. 12. Every person who shall be convicted of fraudulently receiving any stolen money or other article, knowing the same to be stolen, shall be deemed guilty of larceny, and be subject to the like imprisonment and penalty as is in the next preceding two sections prescribed for the punishment of the person stealing the same, although the person who stole the same may not have been prosecuted or convicted therefor.

SEC. 13. Every person who shall falsely personate or represent another, and in such assumed character shall receive any money or other article whatever intended to be delivered to the party so personated, with intent to convert the same to his own use, shall be deemed guilty of larceny, and upon conviction thereof shall be punished accordingly.

SEC. 14. Every person who shall be convicted of obtaining from another designedly, by any false pretence in writing or by any privy or false token, and with intent to defraud, any money or other article, or of obtaining with such intent the signature of any person to any written instrument, the false making whereof would be punishable as forgery, shall be deemed guilty of larceny, and shall be imprisoned not exceeding five years, or fined not exceeding one thousand dollars.

SEC. 15. If any officer, agent, clerk or servant, or person to whom any money or other property shall be intrusted for any specific purpose shall embezzle or fraudulently convert to his own use, or shall take or secrete, with intent to embezzle and fraudulently convert to his own use, any money or other property which shall have come into his possession or shall be under his care or charge, by virtue of such employment, or for such specific purpose, shall be deemed guilty of larceny, and may be tried, sentenced and punished, as for any other larceny.

SEC. 16. If any officer, agent or servant of any incorporated bank shall embezzle or appropriate to his own use, any moneys, goods, effects or funds of any such bank, with intent to cheat or defraud the same, or any person whomsoever, he shall be deemed guilty of larceny, and on conviction thereof shall be fined not exceeding five thousand dollars, or be imprisoned for a term not exceeding five years.

SEC. 17. If any president, secretary, cashier, treasurer or other officer or agent of any incorporated company or institution, shall fraudulently issue any stock or certificate of stock of any such company or institution, such president, secretary, cashier, treasurer or other officer or agent shall be fined not less than one thousand dollars, and shall be imprisoned not exceeding ten years nor less than one year.

SEC. 18. If any agent or factor shall deposit or pledge any goods, wares or merchandise, or any bill of lading, receipt or certificate of a warehouse-keeper or inspector, or any warrant or order for the delivery of goods which he shall have been intrusted with

or which shall have been consigned to him as a security for any money or other property borrowed or received by such agent or factor, and shall apply or dispose of the proceeds thereof to his own use, in violation of good faith, and with intent to defraud any such owner of such goods, every person so offending shall be deemed and taken to be guilty of a misdemeanor; and on conviction thereof shall be fined not exceeding one thousand dollars, or be imprisoned not exceeding five years.

SEC. 19. Every person who shall be convicted of cutting out the tongue, or otherwise dismembering any beast, wilfully or maliciously; or wilfully or maliciously killing or wounding any beast of another, or wilfully or maliciously administering poison to, or exposing any poisonous substance with intent that the same should be taken or swallowed by any beast of another shall be imprisoned not exceeding two years, or fined not exceeding one thousand dollars; and shall moreover be liable to the owner of such beast for treble damages, to be recovered by action of trespass.

SEC. 20. Every person who shall be convicted of taking and carrying away, without the consent of the owner thereof, any corn, grain, fruit or growing vegetable out of any field, garden, or orchard, or of maliciously rooting up, cutting down or otherwise injuring or destroying any tree, root, fruit or vegetable growing in any garden, field, orchard, highway, common or public square; or who shall maliciously or wantonly in any way injure or deface any building not his own, or break the glass or any part of it in any such building; or shall maliciously injure any fence on or inclosing lands not his own shall be imprisoned not exceeding one year, or fined not exceeding two hundred dollars; and every magistrate within the proper county shall have jurisdiction over either of the offences in this section mentioned, when the value of the property taken or destroyed shall not exceed the sum of twenty dollars; and may sentence the offender to imprisonment not exceeding thirty days, or to be fined not exceeding twenty dollars.

SEC. 21. Any sheriff, deputy sheriff, town or city sergeant, constable or police officer, who shall discover any person or persons in the act of taking and carrying away any growing fruit or vegetables as aforesaid, shall arrest such person or persons and detain him or them in custody until a complaint can be made against him or them for the offence for which he or they shall have been arrested, and he or they be taken on a warrant issued upon such complaint: *Provided*, that such arrest and detention without a warrant shall not continue longer than the space of six hours.

SEC. 22. Every person who shall be convicted of robbing or drawing any fish-pot, weir or net belonging to any other person, shall be fined not exceeding twenty dollars.

SEC. 23. The officer who shall apprehend any person as principal or accessory in any robbery or larceny, shall secure the property alleged to be stolen, and shall be answerable for the same, and he shall annex a schedule thereof to his return, and upon conviction of the offender, the stolen property shall be restored to the owner.

SEC. 24. Every person who shall be convicted of maliciously

firing, between the first days of April and November in any year, any gun, musket, blunderbuss or pistol, within eighty rods of any baiting place not his own property, and actually used, in the proper season therefor, for the baiting and netting of wild pigeons, shall be fined not exceeding twenty dollars nor less than five dollars.

SEC. 25. Every person who shall be convicted of strewing or placing any powder or brimstone or other sulphurous substance upon any baiting place not his own property, or of burning thereon any of said substances saturated with tar or turpentine, shall be fined not less than five nor more than twenty dollars.

SEC. 26. Every person who shall wilfully place upon any railroad, any thing with the intent to hinder or impede the passage of any locomotive, engine or car, over such railroad, or shall wilfully do any other act, matter or thing, with intent to hinder, impede or interrupt the passage of such locomotive, engine or car, shall be imprisoned not exceeding ten years, or fined not exceeding ten thousand dollars.

SEC. 27. Every person who shall wilfully cut or break down, or attempt to cut or break down any post or upright on which the wires of any telegraph company are supported, or shall cut or break, or attempt to cut or break the wire of any such company, or shall do any other act interrupting or intended to interrupt the communication of intelligence by any such company, and shall be convicted thereof, shall be imprisoned not exceeding six months, or be fined not exceeding five hundred dollars.

SEC. 28. Every person who shall wilfully and maliciously break down, remove, injure or destroy any monument erected for the purpose of designating the boundaries of any town, or of any tract or lot of land, or any tree marked for that purpose, or stake set up to mark the line or grade of any railroad, shall be imprisoned not exceeding six months, or fined not exceeding two hundred dollars.

SEC. 29. Every person who shall be convicted of wilfully and mischievously tearing, cutting, burning or in any other manner damaging and impairing the integrity, strength, or usefulness for circulation, of any bank-bill or note, which has been, or hereafter may be issued by any corporation which is or hereafter may be established as a bank in this state, or of wilfully and mischievously writing, printing, blotting or stamping any impression on the same, or of aiding and abetting in any of the offences aforesaid, shall be imprisoned not exceeding one year, nor less than one month.

CHAPTER 215.

OF FORGING AND COUNTERFEITING.

SECTION
1. Forging and counterfeiting, defined, and how to be punished.
2. Forging, &c., of certificate of state debt or bank-bill or note, how.
3. Passing such counterfeit certificate or bank-bill or note, knowing same to be counterfeit, how.
4. Bringing counterfeit securities, &c., bank-bills or notes, with intent to pass them, how.
5. Engraving, &c., or making, &c., instruments to make counterfeit bank-bills or notes, or having such instruments in possession for use, how.
6. Evidence that signature to bank-bill or note is counterfeit, what may be.
7. Forging or counterfeiting current gold and silver coin, how to be punished.
8. Uttering or tendering falsely such coin, how.
9. Designedly bringing such coin into this state, with intent to utter it, how.
10. Making, &c., instruments for the purpose of counterfeiting current coin, how.
11. Of seizure and destruction of such instruments.
12. Plates and dies of banks whose charters have expired or been forfeited, how to be disposed of.
13. Penalty upon directors of such banks for not so disposing of them.

SECTION 1. Every person who shall be convicted of falsely making, altering, forging or counterfeiting, or of procuring to be falsely made, altered, forged or counterfeited, any public record, or any writ, process or proceeding in any court of justice in this state, any certificate or attestation of any judge, justice of the peace, warden, public notary, clerk of any court, town clerk, city clerk, or other public officer in any matter wherein such certificate or attestation may be received as legal proof, any charter, deed, will, testament, bond or writing obligatory, letter of attorney, policy of insurance, bill of exchange, promissory note, order, acquittance, discharge for or upon the payment of money or delivery of goods, or any acceptance of a bill of exchange or any indorsement, assignment or guaranty of any bill of exchange or promissory note, or any certificate, or accountable receipt for money, goods or any other thing, or any warrant, order or request for the payment of money or delivery of goods, or for the delivery of any note, bill or other security for money or goods, or any lottery ticket or part or share of any lottery ticket in any lottery authorized by the laws of any state, territory or country, or any writing whatsoever purporting to contain evidence of any debt, contract or promise, or of the discharge, payment or satisfaction of any debt, contract or promise, with intent to defraud, or of uttering and publishing as true, or of procuring to be uttered and published as true, any such false, forged, altered or counterfeited record, deed or other writing aforementioned, knowing the same to be false, forged, altered or counterfeited with intent to defraud, shall be imprisoned not exceeding ten years, nor less than two years.

SEC. 2. Every person who shall be convicted of falsely making, forging, counterfeiting, or of falsely altering any note, certificate or other security, in imitation of and purporting to be a note, certificate or other security, which has been or hereafter may be issued for any debt of this state, or any bank-bill or note, in imitation of or purporting to be a bank-bill, which has been or hereafter may be issued by any corporation which is or hereafter may be established as a bank, in this state or elsewhere, shall be imprisoned not exceeding ten years, nor less than two years.

SEC. 3. Every person who shall be convicted of uttering, publishing, passing, or tendering in payment as true, any such false, forged, counterfeited or altered certificate, security or bank-bill or note, knowing the same to be false, forged, counterfeited or altered, with intent to defraud, shall be imprisoned not exceeding ten years, nor less than two years.

SEC. 4. Every person who shall be convicted of bringing into this state, or of having in his possession or custody within this state, any such false, forged, counterfeited or altered certificate or security, bank-bill or note, knowing the same to be false, forged, counterfeited or altered, with intent to utter, pass or tender in payment the same as true, shall be imprisoned not exceeding ten years, nor less than two years.

SEC. 5. Every person who shall be convicted of engraving, forming, making, or mending, or of beginning to engrave, form, make or mend any plate, stone, paper, rolling press or other instrument or material, devised, adapted and designed for the stamping, forging, or making any false, forged and counterfeited bank-bill or notes, in imitation of bank-bills or notes which have been or shall be issued by any bank which is or hereafter may be established as a bank in this state or elsewhere, or of having in his possession or custody any such plate or stone engraven in any part, or any such paper, rolling press or other instrument or material, devised, adapted or designed as aforesaid, with intent to use and employ the same, or to cause or permit the same to be used and employed in making any such false and counterfeited bank-bill or note, shall be imprisoned not exceeding ten years, nor less than two years.

SEC. 6. In no prosecution for forging, counterfeiting, or altering any bank-bill or note, or for uttering, passing or tendering in payment as true, any such false, forged, counterfeited or altered bank-bill or note, or for bringing into this state, or for having in possession or custody any such false, forged, counterfeited or altered bank-bill or note, with intent to pass the same as true, knowing the same to be false, forged, counterfeited or altered, shall the testimony of any person whose name is purported to be signed to such bill or note, or his personal attendance as a witness be requisite when he shall be absent from this state at the time of such trial, or when his place of residence shall be without the limits of this state, or more than thirty miles from the place of trial; but the testimony of any competent witness who is acquainted with the handwriting of such person, or who has knowledge of the difference of true and counterfeit or altered bank-bills and who is

skilled therein, shall be received as competent evidence to prove any such bank-bill or note to be false, forged, counterfeited or altered.

SEC. 7. Every person who shall be convicted of forging or counterfeiting any coin, in imitation or similitude of any gold or silver coin current within this state by law or usage, shall be imprisoned not exceeding ten years, nor less than two years.

SEC. 8. Every person who shall be convicted of uttering or tendering in payment as true, any false, forged or counterfeit coin, made and forged in imitation and similitude of any gold or silver coin current within this state by law or usage, knowing the same to be false or counterfeit, with intent to defraud, shall be imprisoned not exceeding ten years, nor less than two years.

SEC. 9. Every person who shall be convicted of bringing into this state, or of having in his possession or custody any false or counterfeit coin, made and forged in imitation and similitude of any gold or silver coin current within this state by law or usage, knowing the same to be false or counterfeit, with intent to utter or pass the same in payment as true, shall be imprisoned not exceeding ten years, nor less than two years.

SEC. 10. Every person who shall be convicted of casting, stamping, engraving, forming, making or mending, or of beginning to cast, stamp, engrave, form, make or mend, or of having in his possession or custody any mould, pattern, die, punch, press or other tool or instrument whatever, devised, adapted and designed for the forging or making any false or counterfeit coin, in imitation and similitude of any gold or silver coin current within this state by law or usage, with intent to use and employ the same, or to cause the same to be used or employed in forging or making any such false or counterfeit coin as aforesaid, shall be imprisoned not exceeding ten years, nor less than two years.

SEC. 11. Whenever any false, forged or counterfeit bank-bills or notes, or any plates, dies or other tools, instruments or implements, used by counterfeiters, or designed for the forging or making of any false or counterfeit notes, coin or bills, shall come to the knowledge of any sheriff, deputy sheriff, constable or police officer in this state, such officer shall immediately seize and take possession of the same, and deliver the same into the custody of the supreme court or court of common pleas in the county in which the same shall be; and such court shall, as soon as the ends of justice will permit, cause the same to be destroyed by an officer of the court, which officer shall make a return to the court of his doings in the premises.

SEC. 12. Whenever the charter of any bank in this state shall expire or become forfeited, or whenever any such bank shall close its business for any cause whatever, the directors of such bank which shall have been last in office, shall forthwith deliver up all their plates and dies to the supreme court or court of common pleas in the county in which such bank shall have been located or established, and such court shall cause the said plates and dies to be disposed of in such manner as the court shall deem expedient,

in order to prevent their being afterwards used for any unlawful purpose.

SEC. 13. Any such director who shall wilfully neglect or refuse to comply with the requirements of the preceding section, shall be punished by a fine not exceeding five hundred dollars, to be recovered by indictment before any court of competent jurisdiction.

CHAPTER 216.

OF OFFENCES AGAINST CHASTITY, MORALITY AND DECENCY.

SECTION

1. Bigamy defined, and how to be punished.
2. Adultery defined, and how to be punished.
3. Seduction under promise of marriage, how.
4. Enticing female before virtuous into house of ill fame, or aiding in concealing such female, how.
5. Of complaint and search-warrant to search houses of ill fame, for such female.
6. Keeping house of ill fame, how to be punished.
7. Lease of such house avoided by conviction of lessee.
8. Fornication, how to be punished.
9. Concealment of birth or death of bastard, how.
10. Indictment for such concealment may include both offences.
11. Crime against nature, how to be punished.
12. Importing, printing, selling, &c., obscene books, prints, &c., how.

SECTION

13. Of search-warrant for such books, &c., and when found, how books, &c. to be disposed of and destroyed.
14. Blasphemy, how to be punished.
15. Profane cursing and swearing, how.
16 and 17. Sabbath breaking, how.
18. Complaints for Sabbath, within what time to be made.
19. Saving of liberty of Sabbatarians and Jews, &c., and evidence of their right to exemption as such.
20. Disturbance of town, ward, religious, school, moral, literary and scientific meetings, how to be punished.
21. Digging up and concealing dead bodies, how.
22. Malicious defacing or removing tombstone, &c., or railing, &c., of place of burial, how.
23. Cruelty to animals, how.
24 and 25. Of proceedings on complaint for such cruelty and recognizance for costs.

SECTION 1. Every person who shall be convicted of being married to another, or of cohabiting with another as husband and wife, having at the time a former husband or wife living, shall be imprisoned not exceeding five years, nor less than one year, or be fined not exceeding one thousand dollars: *Provided*, that this shall not extend to any person whose husband or wife shall be continually remaining without the limits of this state for the space of seven years together, the party being married again after the expiration of said seven years, not knowing the other to be living within that time; nor to any person who shall be divorced at the time of such second marriage; nor to any person by reason of any

former or prior marriage, made when the man was less than fourteen and the woman less than twelve years of age.

SEC. 2. Every person who shall be convicted of adultery shall be imprisoned not exceeding one year, or fined not exceeding five hundred dollars; and illicit sexual intercourse between any two persons, where either of them is married, shall be deemed adultery in each.

SEC. 3. Every person who shall be convicted of obtaining carnal knowledge of any female by virtue of any feigned or pretended marriage, or of any false or feigned express promise of marriage, shall be imprisoned not exceeding five years, or fined not exceeding five thousand dollars; but no person shall be convicted of said crime upon the testimony of the female unless the same be corroborated by other evidence.

SEC. 4. Every person who shall inveigle or entice any female, before reputed virtuous, to a house of ill fame, or shall knowingly conceal, or aid or abet in concealing any such female so deluded or enticed, for the purpose of prostitution or lewdness, shall be imprisoned not exceeding five years, or fined not exceeding five thousand dollars.

SEC. 5. When there is reason to believe that any female has been inveigled, deluded or enticed to a house of ill fame as aforesaid, upon complaint thereof being made under oath by any overseer of the poor, sheriff, deputy sheriff, town sergeant or constable, or by the parent, master or guardian of such female, to any justice of the peace or other magistrate authorized to issue warrants, he may issue his warrant, to enter by day or night such house or houses of ill fame, and to search for such female, and to bring her and the person in whose possession or keeping she may be found, before such justice or magistrate; who may, on examination, order her to be delivered to such overseer, parent, master or guardian, or to be discharged, as law and justice may require.

SEC. 6. Any person who shall keep a house of ill fame, resorted to for the purpose of prostitution or lewdness, shall be imprisoned, not less than sixty days nor more than one year, or be fined not less than one hundred dollars, nor more than one thousand dollars; and any person who after having been once convicted of such offence, shall again be convicted of a like offence, shall be imprisoned not less than one year and not exceeding three years.

SEC. 7. When the lessee of a dwelling-house shall be convicted of keeping the same as a house of ill fame, the lease or contract for letting such house, shall, at the option of the lessor, become void; and such lessor shall thereupon have the like remedy to recover possession as against a tenant holding over after the expiration of his term.

SEC. 8. Every person who shall be convicted of fornication shall be fined not exceeding ten dollars.

SEC. 9. Every woman who shall be convicted of concealing the birth of any issue of her body, which, if it were born alive, would be a bastard, so that it may not be known whether it was born dead or alive, or of concealing the death of any infant bastard

child born of her body, so that it may not be known whether such child was murdered or not, shall be imprisoned not exceeding ten months, or be fined not exceeding three hundred dollars.

SEC. 10. Any woman who shall be indicted for the murder of her infant bastard child, may also be charged in the same indictment with either or both of the offences referred to in the next preceding section; and if upon the trial, the jury shall acquit her on the charge of murder, and find her guilty of the other offences, or either of them, judgment and sentence may be awarded against her accordingly.

SEC. 11. Every person who shall be convicted of the abominable and detestable crime against nature, either with mankind or with any beast, shall be imprisoned not exceeding twelve years nor less than one year.

SEC. 12. If any person shall import, print, publish, sell or distribute any book, pamphlet, ballad, printed paper or other thing, containing obscene language or obscene prints, pictures, figment or other descriptions, manifestly tending to the corruption of the morals of youth, or shall introduce into any family, school or place of education, or shall buy, procure, receive or have in his possession any such book, pamphlet, ballad, printed paper or other thing, either for the purpose of sale, exhibition, loan or circulation, or with intent to introduce the same into any family, school or place of education, he shall be imprisoned not exceeding one year, or fined not exceeding five hundred dollars.

SEC. 13. Any justice of the peace within his county may issue a search-warrant for the purpose of searching for any such obscene book, pamphlet, ballad, printed paper or other thing mentioned in the preceding section, complaint being first made to him in writing, and on oath, as is required, before the issuing of search-warrants in other cases; and all such things which shall be found by any officer in executing any such search-warrant, or which shall be produced and brought into court, shall be safely kept so long as shall be necessary, for the purpose of being used as evidence in any case; and, as soon as may be afterwards, shall be destroyed by order of the court before which the same shall be brought.

SEC. 14. Every person who shall be convicted of blasphemy, shall be imprisoned not exceeding two months, or fined not exceeding two hundred dollars.

SEC. 15. Every person who shall be convicted of profane swearing and cursing, shall be fined not exceeding five dollars.

SEC. 16. If any person shall do or exercise any labor or business or work of his ordinary calling, or use any game, sport, play or recreation on the first day of the week, or suffer the same to be done or used by his children, servant or apprentices, works of necessity and charity only excepted, he shall be fined not exceeding five dollars for the first offence, and not exceeding ten dollars for the second offence.

SEC. 17. If any person shall employ, improve, set to work or encourage any other person's servant to commit any act named in the preceding section, and be convicted thereof, he shall suffer the like punishment.

SEC. 18. All complaints for offences against the two sections next preceding, shall be made within ten days after the committing thereof, and not after.

SEC. 19. All the professors of the Sabbatarian faith or of the Jewish religion, and such others as shall be owned or acknowledged by any church or society of said respective professions, as members of, or as belonging to such church or society, shall be permitted to labor in their respective professions or vocations on the first day of the week; but the exception in this section contained shall not confer the liberty of opening shops or stores on the said day for the purpose of trade and merchandise, or of lading, unlading or fitting out of vessels, or of working at the smith's business, or at any other mechanical trade in any compact place, except the compact villages in Westerly and Hopkinton; or of drawing seines, or fishing or fowling in any manner in public places, and out of their own possessions; and in case any dispute shall arise respecting the persons entitled to the benefit of this section, a certificate from a regular pastor or priest of any of the aforesaid churches or societies, or from any three of the standing members of such church or society, declaring the person claiming the exemption aforesaid to be a member of, or owned by, or belonging to such church or society, shall be received as conclusive evidence of the fact.

SEC. 20. Every person who shall be convicted of wilfully interrupting or disturbing any town or ward meeting, any assembly or people met for religious worship, or any public or private school, or any meeting lawfully and peaceably held for purposes of moral, literary or scientific improvement, either within or without the place where such meeting or school is held, shall be imprisoned not exceeding one year, or fined not exceeding five hundred dollars.

SEC. 21. Every person who shall be convicted of secretly disinterring, digging up, removing or carrying away, any human body from its place of sepulture, or of knowingly concealing any such body so dug up or carried away shall be imprisoned not exceeding ten years, or fined not exceeding one thousand dollars.

SEC. 22. Every person who shall be convicted of wilfully and maliciously destroying, mutilating, defacing, covering over, injuring or removing any tomb, monument, gravestone or other structure or thing placed or designed for a memorial of the dead, or any fence, railing, curb, tree, shrub or other thing intended for the protection or for the ornament of any tomb, monument, gravestone or other structure before mentioned, or of any inclosure for the sepulture of the dead, shall be imprisoned not exceeding ten months, or fined not exceeding five hundred dollars.

SEC. 23. Every person who shall be convicted of cruelly using, beating, tormenting, overloading or overdriving any horse, ox or other animal, whether belonging to himself or another, shall be fined not exceeding two hundred dollars, nor less than ten dollars.

SEC. 24. On complaint made to any justice of the peace, magistrate or court exercising the jurisdiction of justice of the peace, against any person, charging him with a violation of the next pre-

ceding section, the complainant shall be required to enter into a like recognizance as is required when complaint is made against any person for threatening to commit any crime or offence against the person and property of another; and upon the giving of such recognizance, the justice, magistrate or court to whom such complaint is made, shall forthwith issue his warrant, directed and returnable in the same manner as a warrant issued on a complaint for threatening to commit a crime or offence.

SEC. 25. Every person convicted upon such complaint, may be sentenced by the justice, magistrate or court to pay a fine not exceeding twenty dollars; but if it shall appear to such justice, magistrate or court that such fine is inadequate to the offence, the like course shall be taken with the accused as though he were complained of for an offence beyond the jurisdiction of the justice, magistrate or court trying the same.

CHAPTER 217.

OF OFFENCES AGAINST THE PUBLIC HEALTH.

SECTION

1. Sale of diseased and unwholesome provisions, knowingly, how punished.
2. Fraudulent adulteration of food or drink, for sale, how.
3. Fraudulent adulteration of drugs or medicines, how.

SECTION 1. Every person who shall be convicted of knowingly selling any kind of diseased, corrupted or unwholesome provisions, whether for meat or drink, without making the same known to the buyer, shall be imprisoned not exceeding six months, or fined not exceeding two hundred dollars.

SEC. 2. Every person who shall be convicted of fraudulently adulterating for the purpose of sale, any substance intended for food, or any wine, spirits, malt liquor or other liquor intended for drinking, with any substance injurious to health, shall be imprisoned not exceeding six months, or fined not exceeding two hundred dollars.

SEC. 3. Every person who shall be convicted of fraudulently adulterating for the purpose of sale, any drug or medicine, in such a manner as to render the same injurious to health, shall be imprisoned not exceeding six months, or fined not exceeding two hundred dollars.

CHAPTER 218.

OF OFFENCES AGAINST PUBLIC POLICY.

SECTION
1. Setting up, promoting, drawing, &c., of lotteries and devices in nature of, and selling lottery policies, &c., how to be punished.
2. Sale of lottery tickets, or certificates in nature of, how.
3. Notes, obligations given for lottery tickets, &c., void.
4. Purchasers of lottery tickets, &c., to recover their money paid for them, &c.
5. Keeping place for gambling, or suffering same to be kept on his premises, dealing, &c., at faro, or other banking game, how to be punished.
6. Innholder, &c., license, in such case, to be declared void.
7. Enticing, &c., another to visit gambling place for gambling, how to be punished.
8. Complaint, &c., for keeping gambling implements, and proceedings for forfeiture of same.
9. Such implements to be destroyed, when and how.
10. Recognizance for costs in such case, not required of officer complaining.
11. Officer's fees for seizing, destroying, what, and taxable in costs.
12. Persons playing compellable to testify.
13. Betting on horserace, how to be punished.
14. Horse to be forfeited if started for bets with owner's knowledge.
15. Of encouraging dog-fights and betting thereon, how to be punished.
16. Bills, bonds, notes, &c., given for money won in gambling and betting, and for money lent for such purposes, void.

SECTION 1. If any person shall, directly or indirectly, set up, put forth, carry on, promote or draw, publicly or privately, any lottery, chance, game or device of any nature or kind whatsoever, or by whatsoever name the same may be called, for the purpose of exposing, setting for sale or disposing of any moneys, houses, lands, merchandise or articles of value; or shall sell or expose to sale lottery policies, purporting to be governed by the drawing of any public or private lottery or shall sign or indorse any book, document or paper whatsoever, for the purpose of enabling others to sell or expose to sale lottery policies, he shall be deemed guilty of a misdemeanor, and shall be imprisoned not exceeding two years, or fined not exceeding two thousand dollars.

SEC. 2. If any person shall sell or expose to sale any ticket, or certificate in the nature of a ticket, or share in any ticket or certificate in the nature of a ticket, in any lottery set up within or without this state, he shall be fined for every such ticket, certificate or share of such ticket or certificate by him sold or exposed to sale, not exceeding fifty dollars.

SEC. 3. All notes, obligations, securities or promises whatsoever, given for the purchase of any lottery ticket or certificate, lottery policy, or of any document or paper, taken or received for the purpose of enabling others to sell or dispose of lottery tickets or lottery policies shall be null and void.

SEC. 4. The purchaser or receiver of any lottery ticket or certifi-

cate in the nature of a lottery ticket, or share in either, whether the same shall have been paid for in money, or however received, even though by way of gift, for the purpose of enabling the seller or giver of the same to dispose of any article or piece of property real, personal or mixed, shall recover back the amount by him paid, or the value at which, according to the proof, the ticket or certificate may be reckoned in the transaction, as the case may be, from the person of whom the ticket or policy was purchased or received, in an action on the case for money had and received.

SEC. 5. If any person shall keep or suffer to be kept any building, room, booth, shed, tent, arbor, or any other place in any city or town of this state, or in any vessel, boat or raft upon any of the waters of the Narragansett bay, to be used or occupied for the purpose of gambling or playing at any game or games of chance of any kind whatever, for money or other valuable consideration; or shall keep, exhibit, or suffer to be kept or exhibited upon his premises or under his control, any cards, dice, table, bowls, wheel of fortune, shuffle board or billiard table, or any device, implement or apparatus whatever, to be used in gambling or playing at any game or games of chance for money or other valuable consideration; or if any person shall be guilty of dealing "faro," or banking for others to deal "faro," or acting as look-out, game-keeper or assistant for the game of "faro," or any other banking game where money or property is dependent on the result, he shall be taken and held as a common gambler, and, upon conviction thereof, shall be imprisoned not exceeding two years, or be fined not exceeding one thousand dollars.

SEC. 6. If such person be a tavern-keeper, innholder, retailer or keeper of any other house or place of public resort which is licensed, his license shall in addition be declared null and void by the court in which he shall be convicted.

SEC. 7. If any person shall upon any pretext whatever, invite, entice, persuade or induce any other person to visit any house, room, or other place kept for the purpose of gambling, with the intent that such other person shall at such place engage in gambling or playing at any game of chance for money or other valuable consideration, he shall, upon conviction thereof, be fined not less than five dollars nor more than twenty dollars.

SEC. 8. Complaint may be made, or an information filed by the mayor or city marshal of any city, the president of any town council, or any town sergeant within the city or town, respectively, where such officer shall reside, setting forth that the complainant has reason to believe, and does believe, that cards, dice, bowls, wheels of fortune, shuffle boards or other gambling implements or apparatus, and which shall be described in such complaint as nearly as may be, are kept or suffered to be kept, to be used in gambling or playing at any game or games of chance, for money or other valuable consideration, in any building, room, tent, booth, or any other place within the county in which the compaint is made or information filed, or in any vessel, boat or other craft upon any of the waters of Narragansett bay, and in such com-

plaint or information particularly described, and such proceedings had thereon for the forfeiture of such gambling implements or apparatus as is by law prescribed for forfeiture of personal property, under penal statutes.

SEC. 9. Upon final judgment of forfeiture of such implements or apparatus, either in the original or appellate court, or upon forfeiture of the recognizance given by the claimant to prosecute his appeal according to law, the court or justice shall order in writing, such implements and apparatus to be destroyed by any officer authorized to serve the criminal process of such court or justice; which officer shall make return of his doings upon such order to said court or justice as in other cases.

SEC. 10. No officer complaining or informing as aforesaid, shall be required at the time of making such complaint to enter into recognizance, or in any way to become liable for the costs that may accrue thereon, or for any damages on account of such seizure.

SEC. 11. In addition to the fees allowed by law, the officer who shall make service of any warrant for the seizure of any gambling implements or apparatus under the provisions of this chapter shall be allowed therefor the sum of one dollar; for the removing of any gambling implements or apparatus so seized to a place of safety, one dollar and all necessary expenses incurred in such removal; which fees shall be included in the bill of costs and taxed by the justice or court.

SEC. 12. In any prosecution for an offence, and in any action or proceeding whatever, under the provisions of this chapter, any person playing at the game in relation to which the prosecution, action or proceeding may be instituted, though the party prosecuting, suing or complaining, shall be a competent witness for the advancement of such prosecution, action or proceedings, and may be compelled to answer as to any matter relating thereto.

SEC. 13. If any person shall make any bet, or lay any wager of any kind upon any horse, to start or run therefor, he shall be fined one hundred dollars.

SEC. 14. If any person shall knowingly suffer or permit any horse belonging to him to start or run for any bet or wager, he shall forfeit his horse starting or running as aforesaid, for the use of the state.

SEC. 15. If any person shall cause or encourage the fighting of any dog with another, or a dog with any other animal without reasonable cause, or shall make any bet, or lay any wager of any kind upon the result of such fight, he shall be fined not exceeding twenty dollars or be imprisoned not exceeding three months.

SEC. 16. All bills, bonds, notes, judgments, mortgages, deeds or other securities, as well as promises, given or made for money, lands, houses or other property, or article, or piece of property, real or personal or mixed, won at any game, or by betting at any game, or by betting at any race or fight, whether the same be between man or beast, or man and beast, or for the repayment of any money knowingly lent for such gaming or betting, shall be utterly void.

CHAPTER 219.

GENERAL PROVISIONS CONCERNING CRIME.

SECTION
1. Common law offences, when and how to be punished.
2. Aiders, abettors, &c., to be proceeded against as principals or accessories before the fact, and how to be punished.
3. Persons harboring criminals, in order to their escape, &c., when and how to be punished.

SECTION 1. Every act and omission which is an offence at common law, and for which no punishment is prescribed by this title, may be prosecuted and punished as an offence at common law. Every person who shall be convicted of any such offence at common law, shall be imprisoned for a term not exceeding one year, or fined not exceeding one thousand dollars.

SEC. 2. Every person who shall aid, assist, abet, counsel, hire, command or procure another to commit any crime or offence, shall be proceeded against as principal, or as an accessory before the fact, according to the nature of the offence committed; and upon conviction shall suffer the like punishment as the principal offender is subject to by this title.

SEC. 3. Every person not standing in the relation of husband or wife, parent or grand parent, child or grandchild, brother or sister, by consanguinity or affinity, to another who shall have committed any offence, or been accessory before the fact to the commission of any offence, who shall be convicted of knowingly harboring or relieving such other person, with intent that he shall escape or avoid detection, arrest, trial or punishment, shall be imprisoned not exceeding five years, or fined not exceeding one thousand dollars.

TITLE XXXI.

Of Proceedings in Criminal Cases.

CHAPTER 220. Of the criminal jurisdiction of, and of certain criminal proceedings before justices of the peace.
CHAPTER 221. Of appeals from justices of the peace in criminal cases.
CHAPTER 222. Of proceedings in criminal cases.
CHAPTER 223. Of fugitives from justice, and protection of officers from adjoining states.
CHAPTER 224. Of coroners and their inquests.

CHAPTER 220.

OF THE CRIMINAL JURISDICTION OF, AND OF CERTAIN CRIMINAL PROCEEDINGS BEFORE JUSTICES OF THE PEACE.

SECTION
1. Wardens, empowered as justices of the peace in criminal cases.
2. Power of justices of the peace to fine and imprison in criminal cases.
3. Power of, to cause to be apprehended, to examine, commit, or recognize criminals to answer in supreme court and court of common pleas.
4. Power of, to receive complaints for threats.
5. Of recognizance for costs in such case, issue, direction and exigence of warrant.
6. Of duty of inquiry, in such case, and power of justice to require recognizance with surety to keep the peace.
7. Power to commit in case recognizance not given, and costs paid.
8. Such recognizance, to whom to be certified.
9. Duty of magistrate in case complaint in which recognizance for costs is given be dismissed; of execution for costs against complainant and surety, and of disposition of costs when collected.
10. Duty of justice to receive complaint of commission of crime in his county.
11. Duty of, to require of complainant recognizance for costs in certain cases.
12. Duty of, to issue his warrant upon complaint of crime committed.
13. Duty of, on complaint for assault and battery, to fine or imprison or bind over, according to degree of the offence.
14. Like duty of, in case of larceny and cruelty to animals.
15. Duty of, to tax and issue execution for costs, in case of discharge of respondent, and recognizance for costs given.
16. Duty of, to discharge persons suspected of crime beyond jurisdiction of justice, if such persons not probably guilty.
17. Duty of, to require recognizance of such persons, or to commit them if not bailable, and probably guilty.

SECTION
18. Duty of, to commit such person not giving recognizance required.
19. Power of, to adjourn trial or examination.
20. In case of adjournment, accused to be recognized, if bailable, or to be committed.
21. Duty of, if recognizance defaulted.
22 and 23. Power of, to order witnesses to give surety for their attendance above in certain cases or be committed.
24. Power of, to discharge recognizance or supersede commitment of one recognized or committed for assault and battery or threats.
25. Power of, to issue warrant to apprehend person charged with crime in their county and escaping or being in any other county.
26. Persons convicted before, to pay costs as part of their sentence.
SECTION
27. Power of, to require persons convicted before them in addition to punishment prescribed, to give recognizance with surety to keep the peace.
28. Such recognizance, to whom to be certified, and how enforced in case of default.
29. Persons convicted before, where to be committed.
30. Search-warrant for goods stolen, embezzled, or obtained by false tokens and pretences, how obtained, directed, and served.
31. Money and other things obtained by means of such warrant, how to be disposed of.
32. Costs of warrant, and expenses of property obtained on it, to be taxed in trial, in which such property is used as evidence.

SECTION 1. Wardens, in the several towns in which they are by law chosen, shall have the same powers in criminal cases throughout their respective towns, that justices of the peace have in their respective counties.

SEC. 2. Every justice of the peace within the county in which he resides shall have jurisdiction and cognizance of all crimes, offences and misdemeanors done or committed within the said county, punishable by fine not exceeding twenty dollars, or by imprisonment in a county jail not exceeding three months; and of all other criminal matters which are or shall be declared specially to be within his jurisdiction by the laws of this state, which shall be legally brought before him; with power to proceed to trial, render judgment, pass sentence, and award a warrant for execution thereof.

SEC. 3. Every justice of the peace within the county in which he resides, shall have cognizance over all other crimes, offences and misdemeanors against the laws of this state, other than those in the section next preceding mentioned, which shall be done or committed within said county, and legally brought before him; and shall have power to cause all persons guilty or suspected to be guilty thereof, to be apprehended, examined, bailed or committed to jail, according to law, to answer therefor before the supreme court or court of common pleas.

SEC. 4. Whenever complaint shall be made to any justice of the peace within his county, that any person has, within said county, threatened to commit any crime or offence against the person or property of another, such justice shall examine such complainant, under oath or affirmation, reduce his complaint to writing, and cause the same to be signed by the complainant.

SEC. 5. If the complainant shall then, before such justice, enter into a recognizance in such sum, not exceeding fifty dollars, and with such surety, as the justice shall direct and approve, with condition to prosecute such complaint to final judgment with effect, or in default thereof to pay the costs that may accrue thereon, to the state, or to the person or persons accused, such justice shall issue his warrant, returnable forthwith, annexing thereto, said complaint, or reciting the substance of the same therein, directed to the sheriff, deputy sheriff, town sergeants, city sergeants and constables in said county, and to the like officers in the county in which the accused may be supposed to belong, reside or be found, and requiring the officer who shall be charged with the service of the same, forthwith to apprehend the accused and have him before said justice, or some other magistrate having jurisdiction over such complaint, to answer thereto.

SEC. 6. When any party accused shall be brought before any such magistrate, it shall be the duty of such magistrate judicially, by the oath or affirmation of the complainant or witnesses, as well for as against the accused, to inquire into the truth of such complaint; and if it shall appear that said complaint is true, and that there is reasonable cause to fear that such threat would be carried into execution, the person accused shall be sentenced to enter into recognizance, with sufficient surety and in such sum as the magistrate shall direct; with condition to keep the peace towards all the people of this state, and especially towards the person against whom or against whose property the threat shall have been made, for a certain time thereafter, not exceeding eleven months, and to pay all the costs of his prosecution and conviction.

SEC. 7. Upon complying with such sentence, the accused shall be discharged, but on neglecting so to do he shall be committed to the county jail in the same county, there to remain during the term for which he was sentenced to give such recognizance, and until said costs are paid, and also all the costs of his commitment and board while in jail; or until he shall enter into the recognizance required by such sentence, before some magistrate in the same county, and pay the costs and board as aforesaid.

SEC. 8. Every recognizance taken in pursuance of such a sentence, shall be certified to the clerk of the court of common pleas next to be holden in the same county, and filed by the clerk of said court with the papers of his said office.

SEC. 9. If the magistrate before whom such warrant shall be returned, or any warrant triable before him, upon which recognizance with surety for costs may be by him required, shall not consider the complaint, after trial, to be supported by the evidence adduced, he shall forthwith discharge the accused, and as soon as may be, tax the costs that have accrued thereon, including therein the attendance and travel of the witnesses summoned and present or sworn by the complainant; and if such costs are not paid within ten days, he shall issue execution for the same against the complainant and his surety, returnable in twenty days from the date thereof. Such costs when collected shall be paid to said mag-

istrate, and be by him paid out to the several persons having right thereto.

SEC. 10. Whenever any complaint shall be made to any justice of the peace within his county, of the commission of any offence within said county, he shall examine the complainant under oath or affirmation relative thereto, and to the person guilty or suspected to be guilty thereof, reduce the same to writing, and cause the same to be signed by the complainant.

SEC. 11. If such complaint shall allege the commission of an assault or battery or both, or of any larceny of any amount not exceeding twenty dollars, or of the offence of cruelly using, beating, tormenting, overloading or overdriving any horse, ox or other animal, whether belonging to himself or another, or of the commission of any offence the punishment of which is a fine of twenty dollars or less, or which is or shall be declared within the jurisdiction of a justice of the peace to try and determine, such justice of the peace shall then require the complainant to enter into a like recognizance as is hereby required when complaint is made for any threat.

SEC. 12. Upon the giving of such a recognizance in the case where a recognizance is required, and upon the making of such a complaint only, where no such recognizance is required, such justice of the peace shall forthwith issue his warrant, directed and returnable in the same manner as a warrant issued on a complaint for threats.

SEC. 13. Whenever any such person shall be convicted before any magistrate, of an assault or battery, or both, such person shall be thereupon sentenced to the payment of a fine not exceeding twenty dollars, or be imprisoned not exceeding one month; but if it shall appear to such magistrate that such fine or imprisonment is an inadequate punishment, the like course shall be taken in relation to the accused as though he were complained of for an offence beyond the jurisdiction of the magistrate trying the same.

SEC. 14. Whenever any person shall be convicted before any such magistrate, of larceny of any amount less than twenty dollars, or of the offence of cruelly using, beating, tormenting, overloading or overdriving any horse, ox or other animal, whether belonging to himself or another, he shall be sentenced to the payment of a fine not exceeding twenty dollars, or to be imprisoned not exceeding three months; but if it shall appear to such magistrate that such fine or imprisonment is an inadequate punishment, the like course shall be taken in relation to the accused as though he were complained of for an offence beyond the jurisdiction of the magistrate trying the same.

SEC. 15. Whenever any complaint shall be tried before a magistrate in this state, in which the complainant is required by law to recognize with such surety as the justice of the peace issuing the warrant shall direct, and the respondent shall be discharged, said magistrate shall forthwith tax all the costs for which the complainant is legally liable; and if such costs are not paid within ten days, he shall issue execution for the same against the complain-

ant and his surety, returnable in twenty days from the date thereof.

SEC. 16. When any person shall be brought before any such magistrate charged with being guilty, or as being suspected of being guilty of any offence of which he has not jurisdiction to try and determine, and after hearing all the evidence adduced in relation thereto, it shall not appear to such magistrate that the accused is probably guilty of said offence, or of any other offence substantially charged in said complaint, the accused shall be forthwith discharged.

SEC. 17. If it shall appear that the accused is probably guilty as aforesaid, such magistrate shall thereupon, if the offence be bailable by him, require the accused to enter into a recognizance with sufficient surety, in such sum as the magistrate shall approve and direct; with condition, that the accused will appear at the next term of the court in and for said county having jurisdiction over such offence, at which a grand jury is required to attend by law, and not depart said court without leave, and in the mean time keep the peace and be of good behavior toward all the people of this state; which recognizance the magistrate shall certify to said court as soon as may be. If the said offence be not bailable by such magistrate, the accused shall forthwith be committed to the jail, in the same county, there to remain until he be discharged by order of law.

SEC. 18. In every case in which any such magistrate shall require the accused to give recognizance for his appearance before some court, and in which he shall not give such recognizance, the accused shall be forthwith committed to the jail in the same county, there to remain until he shall give such recognizance or be discharged by order of law.

SEC. 19. Any magistrate may adjourn any trial or examination pending before himself, from time to time, not exceeding ten days at any one time, except with the consent or at the request of the accused, and to the same or to a different place in the same county.

SEC. 20. In case of an adjournment, if the accused be charged with any offence not bailable by such magistrate, he shall, in the mean time, be committed to the jail in the same county; otherwise he may be recognized in a sum and with a surety to the satisfaction of such magistrate, for his appearance for such further examination, and for want of such recognizance may be committed to said jail.

SEC. 21. If the person recognized as in the next preceding section mentioned, shall not appear according to the condition of such recognizance, the magistrate shall record the default and certify the recognizance with the record of the default, to the court of common pleas in the same county.

SEC. 22. Whenever any person charged with treason against this state, murder, arson, rape, robbery, burglary, perjury or subornation of perjury, shall be recognized or committed for trial at a higher court by any magistrate, such magistrate shall also bind, by recognizance, such witnesses as he shall deem material, to appear and testify at such court; and may also require any such witnesses

to give surety to be bound with them for their appearance at such court, in case he shall deem it necessary to insure the attendance of any such witnesses.

SEC. 23. Every witness who shall refuse to comply with the order of any magistrate requiring him to give recognizance, whether with or without surety, shall be committed to the jail in the same county, there to remain until he give such recognizance, or be discharged by order of law.

SEC. 24. When any person shall be committed to jail or shall be under recognizance to answer any charge of assault or battery, or both, or for any threat of committing any offence against the person or property of another, if the party injured or threatened shall appear before the magistrate who issued the warrant of commitment or took the recognizance, and acknowledge in writing that he has received satisfaction of the injury, or has ceased to fear the execution of the threat, such magistrate may, in his discretion, upon payment of all costs that may have accrued, including the board of the prisoner in jail, if committed, discharge the recognizance or supersede the commitment by an order under his hand; which order shall be filed with the recognizance or recorded in the jail book, as the case may require: and may also discharge all recognizances and supersede the commitment of every witness in the case. Every such order shall forever bar all remedy by civil action for such injury.

SEC. 25. Whenever any magistrate in any county shall issue his warrant against any person charged with an offence committed within such county, and such person so charged as aforesaid shall escape into, reside or be in any other county, such magistrate may direct such warrant to each and all sheriffs, deputy sheriffs, town sergeants and constables within this state, requiring them to apprehend such person and him bring before such magistrate, to be dealt with according to law; and such officers shall obey and execute said warrant, and be protected from obstruction and assault therein, as in service of other process.

SEC. 26. Every person who shall be convicted of any crime or offence before any magistrate, shall be liable to pay all the costs of his prosecution and conviction, and the payment of the same shall be a part of his sentence: and in case he shall be imprisoned he shall be kept in imprisonment until such costs are paid, or remitted, including also all costs of his commitment.

SEC. 27. In addition to the punishment prescribed by law, the magistrate may require such person to enter into recognizance with such sufficient surety, and in such sum as he shall direct, with condition to keep the peace towards all the people of this state for a certain time thereafter, not exceeding eleven months; and upon the refusal or neglect of such person to comply with such requirement, the same course shall be pursued as is provided on neglecting to comply with sentence in cases of threats.

SEC. 28. Every such recognizance shall be certified to the clerk of the court of common pleas, next to be holden in the same county, and filed by the clerk of said court in the papers of his said office;

and in case any person under such recognizance shall fail to perform the condition thereof, his default shall be recorded, and process shall issue against the persons bound in such recognizance, or such of them as the attorney-general shall direct.

SEC. 29. Every person who shall be convicted before any magistrate of any crime or offence, and who shall be fined therefor, shall be committed to the jail in the same county, in case of non-payment of said fine.

SEC. 30. When complaint shall be made on oath or affirmation to any magistrate authorized to issue warrants in criminal cases, that any money or other thing which is the subject of larceny, has been stolen or embezzled, or obtained by false tokens or pretences, within this state or elsewhere, and that the complainant believes that the same is concealed in some house or place within the county where such complaint shall be made, and in such complaint particularly described, such magistrate, if he be satisfied that there is reasonable ground for such belief, shall upon the complainant's giving recognizance in the sum of fifty dollars, with surety to the satisfaction of such magistrate, to indemnify the state against all costs if nothing be found on such warrant, issue his warrant directed to the sheriff, his deputy, or to either of the town sergeants, city sergeants or constables in said county, commanding them in the name of the state, diligently to search the house or place therein described, in the daytime, and to bring said money or thing stolen, if the same shall be found therein, and the person or persons in whose possession or custody the same shall be, before said magistrate or some other magistrate in the same county; which warrant any such officer is hereby authorized and required to execute.

SEC. 31. When any such warrant shall be returned executed, to any such magistrate, all the money or other things returned therewith shall be safely kept according to the direction of such magistrate, for the purpose of being used as evidence on any trial, and as soon as may be afterwards shall be restored to the owner or owners thereof.

SEC. 32. Whenever any such property so recovered shall be used as evidence in any criminal trial, all the costs of such search-warrant, together with the costs of keeping such property, shall be taxed in the bill of costs.

CHAPTER 221.

OF APPEALS FROM JUSTICES OF THE PEACE, IN CRIMINAL CASES.

SECTION
1 and 2. Appeal from sentence of justice in criminal cases within their jurisdiction, to what court, when and how to be taken.
3. Appellant, neglecting to give recognizance, to be committed, and for what period.

SECTION
4. Neglecting to file copy of case in appellate court, recognizance of, how to be proceeded with.
5. Power of appellant to pay fine and costs, and be discharged from recognizance of appeal.
6. Appeal, how tried in appellate court, and judgment in common pleas on, final.

SECTION 1. Any person aggrieved by any sentence of any magistrate, justice of the peace or court exercising the jurisdiction of a justice of the peace, pronounced against him, on any complaint, for threats, assault or battery or both, or for theft or for any offence which is or shall be within the jurisdiction of such magistrate to try and determine, may appeal from such sentence to the supreme court or to the court of common pleas then next to be holden in the same county, after ten days: *Provided*, such appeal be prayed at the time of passing such sentence.

SEC. 2. Upon such prayer for appeal, the appellant shall be required to give recognizance in such sum as such magistrate, justice or court shall direct, and with surety to the satisfaction of such magistrate, justice or court, with condition, that he will file his reasons of appeal, together with a copy of the whole case in the court appealed to, on or before the second day of the next term thereof as aforesaid, that he will appear before said court and there prosecute his appeal with effect, and abide or perform the order or sentence of said court in said case, and that he will in the mean time keep the peace towards all the people of this state; which recognizance such magistrate shall forthwith certify to the court appealed to.

SEC. 3. Upon the neglect of such appellant to give such recognizance, he shall forthwith be committed to the jail in the same county, there to remain until he give such recognizance or be discharged by order of law.

SEC. 4. If such appellant shall neglect to file a copy of the whole case in the court appealed to, on or before the second day of the next term thereof, he shall be defaulted in the appellate court on his recognizance, and the appellate court shall forthwith certify such neglect to the magistrate, justice of the peace or court exercising the jurisdiction of a justice of the peace, from whose sentence the appeal was taken; and such magistrate, justice or court shall thereupon deliver to the attorney-general a certified copy of the whole case, which shall be by the attorney-general filed and entered in the appellate court; and the proceedings thereon in the appellate court shall be the same, and shall be conducted in the same manner as if the appellant had filed said copy on or before said second day of said term.

SEC. 5. Such appellant may at any time before the reasons of appeal are by law required to be filed, pay to the magistrate, justice or court, from whose sentence the appeal shall have been taken, or to the clerk of any such court, the fine and costs which shall have accrued; and thereupon the said justice, court or clerk of such court, shall discharge the recognizance taken upon the ap-

peal; but if the recognizance shall have been certified to the court appealed to, the same shall be discharged by such court, or the clerk thereof, upon the presentation of the certificate of the justice or court appealed from, that the fine and costs have been paid as aforesaid.

SEC. 6. Such appeal shall be heard and tried in the appellate court with a jury, and the judgment or sentence of the court of common pleas therein, shall be final except in matters of law.

CHAPTER 222.

OF PROCEEDINGS IN CRIMINAL CASES.

SECTION

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5. Averments in indictment for perjury, what may be.
6. Criminals, in what county to be proceeded against.
7. Crimes committed on Narragansett bay out of county of Providence, where.
8. Power of courts to send capias into any county, in case prisoner be in another county, and of proceedings on capias.
9. Recognizance, how taken in such case, and returned, and of recognizance at the jail.
10. Officers, protected in executing such capias.
11. What offences triable exclusively by supreme court.
12. What offences bailable exclusively by said court, or a justice thereof, or by court of common pleas, in case indictment found therein.
13. Persons in jail for crime, by whom bailable.
14. Persons imprisoned for murder, &c., to be bailed or discharged at second term, if not indicted.
15. Persons indicted and imprisoned for such crimes, when entitled to be tried or bailed at next term after pleading to indictment.
16. Plea to be entered in case of standing mute, &c.
17. Peremptory challenges limited.
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22. Where taken, in case accused be sick or in jail.
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33. Deodands and benefit of clergy abolished; and of petit treason.
34. Limitation in case of crimes, and exceptions to.
35. Corruption of blood and forfeiture of estate for crime, prohibited.
36. Convicts, for what crimes civilly dead.
37. Convicts, when to be sent to state prison and kept at hard labor, and when to county jail.
38. Person under sentence, convicted anew, how may be sentenced.
39. Power of supreme court over persons sentenced, and to order them to be committed on sentence.
40. Power of supreme court and court of common pleas, to order convict to be imprisoned in any county.
41. Power of court or magistrate to fix punishment, within limits of the law.
42. Persons accused, under eighteen years of age, when may be imprisoned in Providence reform school for want of recognizance.
43. Form of mittimus in such case, and power of trustees of school over accused.
44. Convicts under eighteen years of age, how, and for how long a term, may be sentenced to Providence reform school.
45. Warrant to execute such sentence, substance and effect of.
46. Persons committed to said school, how to be supported.
47. Warrant, in case of one sentenced to state prison, substance, mode of service, and effect of.
48. Prisoners in state prison, disabled to make wills or conveyances.
49. Such prisoners for life, or term of seven years or more, estates of, may be administered, and by whom.
50. Power of court of probate to give notice, &c., in such case.
51. Of administration bond in such case, and disposition of prisoner's estate, what.
52. Duty and liability of administrator in such case.
53. Costs of prosecution, &c., when to be paid by state, and payment of no part of sentence.
54. When to be part of sentence.
55. Payment of by prisoner, by whom may be remitted.
56. Disqualifications of persons sentenced to imprisonment for crime for year or more.

SECTION 1. No person, except upon indictment found by a grand jury, shall be put on trial for any crime or offence before the supreme court or court of common pleas, except in case of an appeal from the sentence of some magistrate.

SEC. 2. In every indictment, and in every warrant or other process to arrest the body of any person in a criminal suit, there shall be added to the name of the person against whom the same shall be issued, the place to which he shall, at the time of finding such indictment or issuing such warrant or other process, belong, or the place in which he is, or of late was, commorant; and in case such place shall be omitted in any such indictment, warrant or other process, the same, upon exception being taken thereto by the person with respect to whom such omission shall be made, shall be quashed or abated: *Provided*, that nothing herein contained shall prevent the amendment of any process in the manner by law prescribed.

SEC. 3. In case the name of the person to be proceeded against be unknown, the indictment, warrant or other criminal process may be found or issued against him by a fictitious name, or by such description as the prosecutor or complainant may select, and the error or defect may be afterwards amended by the court.

SEC. 4. No indictment or other criminal process shall be abated or quashed for any want of form: *Provided*, it contain such allegations of the offence, that the accused shall be able to plead and make defence thereto without prejudice to his rights, and to avail himself of any judgment that may be rendered thereon in case of a second complaint against him for the same offence; and every defect and want of substance in any such process may be amended and supplied with the consent of the accused.

SEC. 5. In every indictment for perjury or subornation of perjury or incitement to perjury, it shall be sufficient to set forth the substance of the offence charged upon the defendant, and by what court or before whom the oath or affirmation was taken; averring such court or person to have had competent authority to administer the same, together with the proper averment or averments to falsify the matter wherein the perjury is assigned; without setting forth any part of any record or proceeding, either in law or equity, other than as aforesaid, and without setting forth the commission or authority of the court or person or persons before whom the perjury was committed, or was agreed, or promised, or procured, or incited to be committed.

SEC. 6. Every person who shall be accused of any offence shall be proceeded against in the county in which the offence shall have been committed, and not elsewhere, except in cases in which special provision is or shall be made to the contrary.

SEC. 7. All indictments for any crime or misdemeanor committed on the waters of Narragansett bay, not within the county of Providence, may be found and tried in any county, at the discretion of the attorney-general.

SEC. 8. Any court in any county before which an indictment shall be found against any person, for an offence committed or triable within such county, may, if such person shall escape into, reside or be in any other county, issue a capias directed to each and all sheriffs, deputy sheriffs, town sergeants and constables within this state, requiring them to apprehend such person and bring him before said court, if said court at the time of the service of said capias shall still be in session; if not, then to commit him to jail in the county in which such indictment is pending, there to be kept until he shall give recognizance before some magistrate of the same county, with sufficient sureties, in the sum named in said capias, if any sum be named therein, and if not, then in such sum as the magistrate shall deem reasonable, if the offence be bailable, to appear before the said court in said county, on the second day of the next term after the giving of such recognizance, to answer to said indictment.

SEC. 9. Such recognizance, shall be returned by said magistrate unto the clerk of the said court, or the prisoner may give such a recognizance while in the custody of the officer before he is committed to jail, and thereupon the officer shall discharge him from his custody.

SEC. 10. The officers to whom such capias shall be directed are hereby required to obey and execute the same, and in the execu-

tion thereof shall be protected from obstruction and assault as in the service of other process.

SEC. 11. No person accused of any offence for which he may be sentenced to imprisonment for life, shall be tried except by the supreme court.

SEC. 12. No person accused of treason against this state, murder, robbery, rape, arson or burglary, shall be bailed except by the supreme court or one of the justices thereof or by the court of common pleas when indictment for such offence is found in said court.

SEC. 13. No person imprisoned in any state jail upon any criminal process shall be bailed except by a justice of the supreme court, or by some justice of the peace specially appointed for that purpose, by said court or by either justice thereof.

SEC. 14. Every person who shall be imprisoned upon suspicion of having committed either of the crimes in the twelfth section of this chapter shall be bailed or discharged, if not indicted at the second term of the court to which he is bound to appear after such commitment.

SEC. 15. Every person who shall be indicted for either of said crimes and shall be imprisoned under the indictment, shall be tried or bailed at the term of said court next after that at which he shall plead to said indictment, if he demand a trial, unless it shall appear to the court that some material witness in behalf of the state has either been enticed away or is prevented from attending court by some unavoidable accident.

SEC. 16. If any prisoner on being arraigned for any offence shall stand mute, or not answer directly, or shall peremptorily challenge a greater number of the persons summoned as jurors than he is by law entitled to challenge, the plea of not guilty shall be entered on the record, the supernumerary challenges disregarded, and the trial proceed as if the prisoner had pleaded not guilty, and as if he had not made such challenges.

SEC. 17. No peremptory challenges to jurors shall be allowed to any person indicted and tried for either of the crimes mentioned in the twelfth section of this chapter, or for any crime or offence, other than as are allowed by law in all cases civil or criminal.

SEC. 18. The supreme court and court of common pleas may, in their discretion, require any witness before them in any criminal matter, to recognize with or without surety, for his appearance to testify at any future time in the same cause.

SEC. 19. Every witness who shall refuse to comply with the order of either of said courts requiring him to give recognizance, whether with or without surety, shall be committed to the jail in the same county, there to remain until he give such recognizance or be discharged by order of law.

SEC. 20. Depositions, taken at the request either of the attorney-general or of the accused, may be used in the supreme court or in any court of common pleas, on the trial of any indictment or information pending thereon for any crime or offence, other than

treason, murder, robbery, rape, arson, burglary, perjury or subornation of perjury.

SEC. 21. Such depositions may be taken and returned by any justice of the supreme court or master in chancery, with the formalities required in the taking and returning of depositions in civil causes, and the same fees shall be allowed therefor.

SEC. 22. In case, at the time of taking any such deposition, the accused shall be confined in jail on the charge against him, such deposition shall be taken in his presence in said jail, unless the deponent shall be unable, by reason of sickness, to come to said jail; in which case, the justice or master, taking such deposition may cause the accused to be brought before him at the time and place appointed for taking the same, by the jailer having him in custody, if the accused be committed for no other cause, and to be returned again to jail after such deposition shall be taken.

SEC. 23. Such depositions shall not be used in the cause for which the same may be taken, unless the deponent shall be out of the state, at the time of the trial thereof.

SEC. 24. Whenever it shall appear to any court of record, that any witness or party who has been legally sworn, or affirmed and examined, or has made an affidavit in any proceeding before said court, has testified in such a manner as to induce a reasonable presumption that he has been guilty of perjury therein, the court may immediately commit such witness, or party, by an order or process for that purpose; or may take a recognizance with surety, for his appearance to answer an indictment for perjury.

SEC. 25. If in any proceeding in which perjury may be reasonably presumed as aforesaid, any papers, books or documents, shall have been produced which shall be deemed necessary to be used on any prosecution for perjury, such court may, by order, detain the same from the person producing the same, so long as may be necessary, in order to their being used in such prosecution.

SEC. 26. When an indictment shall be found against any person for any offence, and the petit jury shall not be satisfied that he is guilty of the whole offence, but shall be satisfied that he is guilty of so much thereof as shall substantially amount to an offence of a lower nature, the jury may find him guilty of such lower offence; and the court shall proceed to sentence such convict for the offence of which he shall be so found guilty.

SEC. 27. Whenever any person, under recognizance, shall fail to perform the condition of his recognizance, his default shall be recorded, and process shall be issued against the persons bound in such recognizance, or such of them as the attorney-general shall direct.

SEC. 28. Any person who shall be surety in any recognizance to keep the peace, or for the appearance of any person accused, or of any witness, or in any recognizance which shall be given on claiming an appeal, shall have the same power and authority over his principal as though he were bail for him in any civil cause.

SEC. 29. Such surety may at any time surrender his principal to

the court or magistrate who took such recognizance, or may commit him to the jail in the same county, leaving with the jailer a certified copy of such recognizance; and upon such surrender or commitment shall be discharged and exempt from all liability for any act of the principal subsequent thereto, which would have been a breach of the condition of the recognizance.

SEC. 30. The person so surrendered or committed may be recognized anew with sufficient surety, and be in all respects dealt with in the like manner and with the same effect as though he had never given any recognizance in the case: *Provided*, that in case any recognizance shall have been certified to some other court, the surrender shall be made to such court when in session.

SEC. 31. All property, money or estate taken or detained as evidence, in any criminal cause, shall be subject to the order of the court before which the complaint or indictment shall be brought or pending, and shall, at the termination thereof, be restored to the rightful owner.

SEC. 32. If any defendant, charged with the commission of any crime or offence, after arrest upon complaint, or after indictment found, shall have escaped, the court before which any such complaint or indictment shall be pending, may, after the lapse of a reasonable time, return and restore any property or estate held as aforesaid, to the owner thereof.

SEC. 33. Deodands, the plea of the benefit of clergy, and the distinction between petit treason and murder, are abolished. Petit treason shall be prosecuted and punished as murder.

SEC. 34. No person shall be convicted of any offence, except treason against the state, murder, arson, burglary, counterfeiting, forgery, robbery, larceny, rape or polygamy, unless indictment be found against him therefor, within three years from the time of committing the same.

SEC. 35. No conviction or sentence for any offence whatever shall work corruption of blood or forfeiture of estate.

SEC. 36. Every person convicted of murder or arson shall thereupon, with respect to all rights of property, to the bond of matrimony, and to all civil rights and relations, of whatever nature, be deemed to be dead in all respects, as if his or her natural death had taken place at the time of such conviction.

SEC. 37. Every person who shall be sentenced to imprisonment for life, or for the term of one year or more, for any one offence, shall be imprisoned in the state prison at Providence, and there kept at hard labor. All other persons sentenced to imprisonment shall be imprisoned in the jail in the county where they shall be convicted, unless otherwise ordered by or according to law.

SEC. 38. Whenever any person shall be convicted of any offence punishable by imprisonment, such person being at the time under sentence of imprisonment on a former conviction, the court passing such subsequent sentence, may sentence such person to the term of imprisonment provided by law, to commence at the expiration of the term of imprisonment under the former sentence or sentences.

SEC. 39. The supreme court may cause all prisoners who shall have been sentenced to imprisonment, to be brought before them, with the warrants of commitment, and to order all or any of them to be carried to and confined in any other jail, on their sentences.

SEC. 40. The supreme court and the court of common pleas, may sentence any person who shall be convicted before them of an offence punishable by imprisonment in any jail, to be imprisoned in the jail in any county.

SEC. 41. Whenever it is provided that any crime or offence shall be punished by fine or imprisonment, it shall be in the discretion of the court or magistrate imposing such punishment to select the kind of punishment to be imposed, and if such punishment be fine or imprisonment, the amount or term of the same; the said amount or term being within the limits prescribed by law.

SEC. 42. Whenever any accused person under the age of eighteen years shall be required by any court or justice in the county of Providence, to enter into recognizance for his appearance before any court, as probably guilty of an offence beyond the jurisdiction of said court or justice to try and determine, and such person shall not give the same, he may, at the discretion of the court or justice, be committed to the Providence reform school, there to remain until the required recognizance be given, or he be otherwise discharged by order of law.

SEC. 43. The warrant or mittimus for the commitment of any such accused person to said reform school shall be, as nearly as the object of such commitment will admit, in the form prescribed in section forty-five of this chapter for the commitment of convicts; and the trustees and keeper of said reform school, shall have the same authority over any such accused person so committed to their custody, which they have by law over convicts in said reform school, except that they shall not have authority to bind out or discharge such accused persons.

SEC. 44. Whenever any child under the age of eighteen years shall be convicted by or before any court, justice of the peace or magistrate in the state, of any criminal offence whatsoever, such court, justice or magistrate may at their or his discretion, sentence such child to the Providence reform school for a term not less than two years, nor longer than the minority of such child, or to such punishment as is in general provided by law for the same offence; and if the sentence be to the reform school, then it shall be in the alternative, to the Providence reform school, or to such punishment as would otherwise have been awarded.

SEC. 45. When any person shall be sentenced to imprisonment in the Providence reform school, the clerk of the court, or the justice of the peace passing such sentence, shall forthwith issue a warrant under the seal of said court or justice, directed to the sheriff or his deputy of the county, or to any town sergeant or constable of any county wherein such court is held, reciting the sentence, and requiring said sheriff or deputy, town sergeant or constable, to take the said convict and him or her deliver to the

trustees of said reform school, or the keeper thereof; and such warrant shall constitute the officer charged therewith, while he has the same in his possession for service, an officer in any county in this state, into which it may be necessary for him to go, to all intents and purposes whatever.

SEC. 46. The general treasurer shall pay to the city of Providence the actual cost of supporting all children committed for want of recognizance, or convicted before any court or justice not sitting within the limits of the city, and sent under such commitment or sentence to said school, not computing, in such cost, any salary or wages of any superintendent, keeper or instructor employed therein.

SEC. 47. When any person shall be sentenced to imprisonment in the state prison, the clerk of the court passing such sentence, shall forthwith issue a warrant under the seal of the said court, directed to the sheriff or his deputy of the county wherein such court is held, reciting the sentence, and requiring said sheriff or deputy to take the said convict and him deliver to the warden of the said prison; and the said warden to receive such convict into his custody and him safely keep in said prison during the term specified in such sentence; and such warrant shall constitute the officer charged therewith, while he has the same in his possession for service, an officer in any county in this state into which it may be necessary for him to go, to all intents and purposes whatever.

SEC. 48. No person who shall be sentenced to imprisonment in the state prison shall have any power, during his imprisonment to make any will or any conveyance of his property, or of any part thereof.

SEC. 49. Whenever any person shall be imprisoned in the state prison for life, or for a term of seven years or more, any creditor of such person may apply to the court of probate of the town in which the said prisoner last lived and was domiciled, in this state, or in which he shall have any estate, that letters of administration may be granted on said estate to the next of kin to said prisoner, or to any disinterested person during such imprisonment.

SEC. 50. Such court is hereby authorized and empowered, after giving notice to all persons interested, to grant such petition, and to do all other things required and authorized to be done in the settlement of a deceased person's estate.

SEC. 51. The bond given in such case by the administrator, shall secure to such prisoner, after he shall be discharged from the state prison, whatever shall remain of his estate after payment of the debts of such prisoner, the expenses of settling his estate, and of such sums as the said court of probate may, from time to time, direct or allow for the support of his family; but in case of imprisonment for life, such prisoner's estate shall be divided among his heirs at law, and distributed in the same way as though he were dead.

SEC. 52. Any administrator who shall be appointed in pursu-

ance of the next preceding sections, shall have the same powers, be subject to the same liabilities, and discharge the same duties, as an administrator of the estate of a deceased person.

SEC. 53. The costs of prosecution, conviction and commitment of persons imprisoned in the state prison, shall be paid by the state, and the payment thereof shall form no part of the sentence of such convicts.

SEC. 54. The payment of such costs shall, in all other cases, be a part of the sentence of a convict, who shall be sentenced to be imprisoned until such costs are paid or remitted.

SEC. 55. The payment thereof may, upon application, be remitted by either justice of the supreme court, or in the county of Providence by any justice of the peace of that county, acting jointly with a justice of the court of magistrates in the city of Providence, and in any other county by a state senator residing therein.

SEC. 56. Every person who shall be sentenced to imprisonment for life, or for the term of one year or more, for any one offence, shall forever thereafter be incapable of being elected to any office of honor, trust or profit in this state, and of acting as an elector therein, and of giving testimony as a witness before any tribunal, unless such person be pardoned, or such sentence be reversed.

CHAPTER 223.

OF FUGITIVES FROM JUSTICE, AND PROTECTION OF OFFICERS OF ADJOINING STATES.

SECTION
1. Magistrate's warrant to arrest fugitive, when and upon what complaint to be issued.
2. Of examination of, and proceedings in case of probable guilt.
3. Not giving recognizance, to be committed.
4. Proceedings in case recognizance defaulted.
5. Fugitive, by whom to be bailed.
6. When entitled to discharge, unless demanded, and liability of, to be taken on executive warrant.
7. Recognizance for costs to be given to obtain magistrate's warrant for arrest of fugitive, and such warrant neither superseding nor superseded by other process.
8. Officers of adjoining states secured in transit through this state with prisoners, &c.
9. Punishment for obstructing them &c.

SECTION 1. Whenever any person shall be found within this state, charged with an offence committed in any other state or territory, and liable by the constitution and laws of the United States to be delivered over upon the demand of any executive of any other state or territory, any magistrate authorized to issue warrants in criminal cases, may, upon complaint under oath, setting forth the crime or offence and such other matters as are necessary to bring the case within the provisions of law, issue his warrant to

bring the person so charged, before the same or some other magistrate within the state, to answer such complaint as in other cases.

SEC. 2. If upon the examination of any person so charged, it shall appear that there is reasonable cause to believe the complaint true, and that such person may be lawfully demanded of the executive of this state, he shall, if charged with an offence bailable by such magistrate, when committed within this state, be required to recognize in a reasonable sum with sufficient sureties to appear before such magistrate at some future day, allowing a reasonable time to obtain a warrant from the said executive, and to abide the order of such magistrate on such complaint.

SEC. 3. If such person shall not so recognize, he shall be committed to jail, and be there detained until he give such recognizance, or until such day.

SEC. 4. If he shall recognize and shall fail to appear according to the conditions of his recognizance, he shall be defaulted, and like proceedings shall be had as in case of other recognizances entered into before a magistrate.

SEC. 5. If such person shall be charged with an offence not bailable by such magistrate when committed within this state, he shall be committed to prison, and there detained until the day appointed for his appearance before such magistrate; but in such case the said person shall be bailable in the same manner as he would be if such offence had been committed in this state.

SEC. 6. If the person so recognized or committed shall appear before such magistrate upon the day appointed, he shall be discharged, unless he shall be demanded by some person authorized by a warrant of the executive to receive him: *Provided*, that whether such person so charged be recognized, committed or discharged, any person authorized by a warrant from the executive of this state may at all times take him in custody, and the same shall be a discharge of the recognizance, if any, and shall not be deemed an escape.

SEC. 7. No warrant shall be issued in pursuance of the provisions of the first section of this chapter until the complainant shall have given recognizance with surety in such sum as the magistrate shall approve and direct, to pay all the costs that may accrue thereon, including the board of the person complained of, if committed to jail; nor shall any such warrant supersede any arrest, either on civil or criminal process theretofore made, nor shall any arrest, either on civil or criminal process theretofore made, supersede any arrest made on any such warrant, or on any warrant issued by the executive of this state in such cases.

SEC. 8. Sheriffs, deputy sheriffs, constables and other officers of the adjoining states, with their assistants, in the legal execution of any writ, warrant or other process issuing from and returnable to courts in their respective states, shall have full liberty, power and authority, to pass and repass, and also to convey such persons or things as they may legally have in their custody by virtue of any writ or warrant, in or by any of the roads or ways lying in or leading through any of the towns or lands of this state, in as full, free

and ample manner as the officers of justice of this state do use and exercise in the discharge of their duty and office.

SEC. 9. Any person who shall menace, threaten, obstruct, strike, insult or assault, or in any other manner abuse any such officer of the adjoining states, in such execution of his office, as he is passing through any of the lands or roads of this state, shall be subject to the same pains and penalties as persons would by law be subject to for menacing, threatening, obstructing, striking, insulting, assaulting or otherwise abusing similar officers of justice of this state, in the due execution of their office.

CHAPTER 224.

OF CORONERS AND THEIR INQUESTS.

SECTION
1. Who coroners.
2. Coroner, when to make inquest, and how.
3. Penalty upon officer and jurors for neglecting to execute and obey coroner's warrant.
4. Power of coroners to take up additional jurors.
5. Oath of jurors, where given, and form of.
6. Of coroner's charge to jurors as to nature of inquiry.
7. Of proclamation for summons of, and swearing witnesses by coroner, and form of oath.
8. Testimony of witnesses, how taken and subscribed, and witnesses when to be recognized.
9. Of verdict of jurors in, how taken, sealed and returned.
10. Coroner's duty to complain, in case death caused by crime of another.
11. Form of inquisition.

SECTION 1. Justices of the peace shall be coroners throughout the towns in which they dwell.

SEC. 2. It shall be the duty of a coroner, as soon as he shall be informed that the body of any person, supposed to have come to his death by violence or casualty, has been found within his town, or that any prisoner in the state prison or in any one of the state jails has deceased while so imprisoned, to issue his warrant to the sheriff or to either of his deputies, or to either of the town sergeants or constables within the county, requiring him to summon a jury of six good and lawful men of the same town, to inquire into the cause of the death of such person.

SEC. 3. Every officer failing to execute such warrant shall forfeit ten dollars; and every person summoned as a juror as aforesaid, who shall fail to appear, or to render to such coroner reasonable excuse therefor, shall forfeit five dollars; which forfeitures shall be sued for and recovered by the town treasurer, for the use of such town, in an action of debt.

SEC. 4. Whenever, from any cause, any of the jurors summoned shall not appear, or appearing shall be excused from serving on

such jury, the coroner may issue another warrant to supply the deficiency.

SEC. 5. The coroner shall swear six jurors and shall give the foreman by him appointed his oath upon view of the body, in form following: You solemnly swear, that you will diligently inquire and true presentment make, in behalf of this state, how and in what manner who lies here dead, came to his or her death; and you shall deliver to me, one of the coroners of the town of in the county of a true inquest thereof, according to such evidence as shall be laid before you; so help you God. He shall then swear the other jurors in form following: Such oath as your foreman has taken, you and each of you will well and truly observe and keep; so help you God. In case any juror is conscientious about taking an oath, the coroner may administer an affirmation in lieu thereof.

SEC. 6. The jurors, being sworn, in view of the body, the coroner shall give them a charge, upon their oaths to declare of the death of the person, whether he died of felony, or of mischance or accident; and, if of felony, whether of his own or another; and, if of the felony of another, who were principals and who were accessories, and of all material circumstances; and, if he died of his own felony, then to inquire of the manner and of all the circumstances concerning it; and, if he died by mischance or accident, whether by the act of men, or by hurt, fall, stroke, drowning or otherwise; to inquire of the persons who were present, the finders of the body, his relations and neighbors, whether he was killed in the same place he was found, and, if elsewhere, by whom and how he was brought from thence, and of all circumstances relating to said death.

SEC. 7. The jury being charged, shall stand together, and the coroner shall cause proclamation to be made for all persons who can give evidence how and in what manner the person, then and there lying dead, came to his death, to draw near and they shall be heard; and every coroner is further empowered to summon and, if necessary, to grant compulsory process for the appearance of witnesses, and to administer an oath to them in form following: You solemnly swear (or affirm) that the evidence which you shall give to this inquest concerning the death of here lying dead, shall be the truth, the whole truth, and nothing but the truth; so help you God; (or, this affirmation you make and give on peril of the penalty of perjury.)

SEC. 8. The testimony of each witness shall be drawn up in writing and subscribed by him, and if any witness charge any person with killing, or of being, in any way, instrumental in the death of a person so found dead, the coroner shall bind such witness by recognizance and in a reasonable sum, for his personal appearance at the next supreme court or court of common pleas, to be holden within and for the same county, then to give evidence accordingly; and if any such witness shall refuse to recognize as aforesaid, the coroner shall and may commit such witness to the jail of the county, there to remain until he shall recognize or be otherwise discharged according to law.

SEC. 9. The jury having viewed the body, heard the evidence and made all the inquiry within their power, shall draw up and deliver unto the coroner, their verdict upon the death under their consideration, in writing, under their hands, and the coroner shall set his hand and seal thereto; and shall return to the next supreme court or court of common pleas, holden in the county, the inquisition, written evidence and recognizances, if any, by him taken.

SEC. 10. Upon an inquisition found before any coroner of the death of any person by the felony or misfortune of another, he shall immediately make a complaint thereof, in writing and on oath, to some justice of the peace in the same county, to the intent that the person killing, or being in any way instrumental to the death, may be apprehended, examined and secured for trial.

SEC. 11. The following shall be the form of the inquisition to be taken as aforesaid: —

State of Rhode Island and Providence Plantations.

SC. An inquisition taken at in the county of on day of in the year of our Lord before one of the coroners of the town of in said county of upon view of the body of there lying dead, by the oaths of six good and lawful men; who, being sworn and charged to inquire, for the said state, when, how and by what means, the said came to his death, upon their oaths do say: (then insert how, where, when and by what means, he was killed, and if it appears that he was murdered by a person known, then the inquisition shall be concluded thus:) "And so the jurors aforesaid, upon their oaths aforesaid, do say, that the said in manner and form aforesaid, of his malice aforethought, the said did kill and murder, against the peace and dignity of this state." If it appear to be self-murder, then the inquisition shall conclude thus: "And so the jurors aforesaid, upon their oaths aforesaid, do say that the said in manner and form aforesaid, then and there, voluntarily, and feloniously, as a felon of himself, did kill and murder himself, against the peace and dignity of the state."

If it appears that the death was by misfortune, the inquisition shall conclude thus: "And so the jurors aforesaid, upon their oaths aforesaid, do say, that the said in manner aforesaid came to his death by misfortune." If the death was occasioned innocently, by the hands of any other person, the inquisition shall conclude thus: "And so the jurors aforesaid, upon their oaths aforesaid, do say, that the said by misfortune, and contrary to the will of the said in manner and form aforesaid, the said did kill and slay." In witness whereof, the said jurors have hereunto set their hands, the day and year aforesaid.

In witness of all the before written, the said coroner hath hereunto set his hand and seal, the day and year aforesaid.

TITLE XXXII.

Of Fines, Penalties, Forfeitures and Imprisonment.

CHAPTER 225. Of fines, penalties and forfeitures.
CHAPTER 226. Of jails, and the care and discipline of jails.
CHAPTER 227. Of the reform school in the city of Providence.
CHAPTER 228. Of the state prison, its officers and discipline.

CHAPTER 225.

OF FINES, PENALTIES AND FORFEITURES.

SECTION
1. Fines, penalties and forfeitures, by what process recovered.
2. Process for, in what county brought.
3. To whose use recovered.
4. In what courts prosecuted.
5. Allegation of time of, in case of penalty for, neglect.
6. Judge of town entitled to, may sit upon.
7. Pleading to action for penalty.
8. Limitation of suits, &c., upon penal statutes.
9. Penalties, &c., forfeited to towns, how, in what name sued, &c., and power of town council over.
10. Sentence or judgment under penal statute, how enforced.
11. Fines, penalties, &c., due state, to whom payable.
12. Of costs of prosecution for.
13. Complainant's costs included in forfeited recognizance recovered, how to be audited and paid.
14. Personal property forfeited, how may be seized.
15. Of complaint or information for forfeiture of.
16. Of issue of warrant in case of.
17. Of notice of complaint or information for.
18. Forfeited property, when and how may be sold.
19. When may be delivered to claimant on appraisal.
20. Case for forfeiture of, how tried.
21. Appeal from judgment, &c., of forfeiture.
22. Finality of judgment of common pleas upon.
23. Of costs and reasonable cause, in case of seizure.

SECTION 1. All fines of twenty dollars and under, shall be recovered by complaint and warrant; all fines of upwards of twenty dollars, by indictment; all penalties and pecuniary forfeitures, by action of debt; and all forfeitures of personal property, by complaint and warrant, or by information, unless otherwise provided by law.

SEC. 2. All complaints and warrants, indictments, actions and informations, founded on any penal statute, shall be brought within the county in which the offence was committed, and not elsewhere.

SEC. 3. All fines recovered shall be to the use of the state; all penalties and pecuniary forfeitures, one half to the use of the state, and the other half to the use of him who shall sue for the same, unless otherwise directed by law; all forfeitures of personal property shall be disposed of as by law shall be provided.

SEC. 4. All fines, penalties and forfeitures, whether of money or property, of twenty dollars and under, or of the value of twenty dollars and under, shall be prosecuted before a justice of the peace or court exercising the jurisdiction of a justice of the peace; if upwards of twenty dollars in amount or value, before the court of common pleas, unless otherwise specially provided.

SEC. 5. When any penalty shall be imposed for neglect during any period of time, such neglect may be alleged to have commenced at any specified time, and shall be reckoned from the time so specified.

SEC. 6. In actions for the recovery of any penalty or forfeiture before any justice or court, it shall be no cause of exception that the justice or any member of the court resides or has property in the town in which the offence was committed, or that the penalty, or any part thereof, is recoverable to the use of the town.

SEC. 7. The defendant to an action for a penalty may plead the general issue, and under it give any special matter in evidence.

SEC. 8. All suits or prosecutions founded upon any penal statute, which are wholly or in part for the use of the prosecutor, shall be brought within one year, and all other suits and prosecutions on such statute, within two years after the commission of the offence, unless otherwise specially provided.

SEC. 9. When any penalty or forfeiture, or any part thereof, shall be given to any town by any penal statute, the town council may sue therefor in the name of the town, or the proper prosecuting officer in the name of any city which shall be entitled to the benefit thereof, and the town council may remit the whole of said penalty or forfeiture.

SEC. 10. If any person against whom sentence shall be passed or judgment shall be rendered, under any penal statute, shall refuse or neglect to perform such sentence, or to pay such judgment, he shall, by order of the court passing such sentence, or by the officer charged with the execution issued on such judgment, be committed to the jail of the county in which he shall be tried, and be there imprisoned until such sentence be performed, or he is discharged by due course of law.

SEC. 11. All fines, and all penalties and forfeitures to the use of the state, shall be paid over to the general treasurer, unless otherwise specially provided.

SEC. 12. If, upon any complaint or prosecution before any court or justice, the defendant shall be ordered to pay a fine, enter into

a recognizance, or suffer any penalty or forfeiture, he shall also be ordered to pay all costs of prosecution, unless otherwise by law directed.

SEC. 13. If any recognizance shall be forfeited in any case in which, if the recognizor had been convicted, any sum might have been due to the complainant, or any person or corporation, the court in which the amount of such recognizance shall, in whole or part, be recovered, shall ascertain the just sum and costs, if any, which shall be due therefrom to such complainant, person or corporation, and grant a certificate therefor, which, upon being audited by the state auditor, shall be paid, upon his warrant for the amount thereof upon the general treasurer.

SEC. 14. Where any personal property shall be forfeited for any violation of law, any sheriff, deputy sheriff, town sergeant or constable within his precinct, or any person by law authorized to seize the same, may take and retain such property until he shall deliver it to a proper officer having a warrant to take and detain the same.

SEC. 15. The person making or directing such seizure shall, without unnecessary delay, make complaint on oath and in writing, to said justice of the peace or court exercising the jurisdiction of a justice of the peace, within the county in which the offence for which such forfeiture has accrued was committed, if the value of the property seized do not exceed the sum of twenty dollars, and otherwise shall file in the office of the clerk of the court of common pleas of such county, an information under oath, stating the cause and asking for judgment of forfeiture.

SEC. 16. Upon making such complaint or filing such information for a forfeiture, a warrant shall be issued to the proper officer, requiring him to take such property into his custody, and to detain the same until legally disposed of.

SEC. 17. Notice of such complaint or information shall be issued by the court or justice to the owner, if known; otherwise notice shall be published in some newspaper printed in the vicinity, for a period of at least two weeks, that all persons interested may appear either in person or by attorney, at the time and place appointed in the notice for trial, and show cause, if any they have, why judgment of forfeiture should not be passed.

SEC. 18. If any person shall appear and claim such property, the same may be sold by consent of parties, provided the same be of such nature that it may be lawfully sold and used, and the law doth not require the same to be destroyed, or otherwise in some special manner disposed of; or, under like proviso, it may in any case be sold, if of a perishable, wasting or expensive character to keep, in like manner as is provided for the sale of similar property when attached on civil process; in which case the proceeds of sale, after deducting the charges thereof, shall for all purposes represent the thing sold and be subject to the judgment and order of the court or justice.

SEC. 19. Unless by law the property seized be necessarily subject upon judgment of forfeiture to be destroyed, it shall, at the re-

quest of the claimant, be appraised by appraisers appointed for that purpose by the court or justice, and be delivered to the claimant upon his giving bond in double the amount of such appraised value, with sufficient sureties, running to the person or corporation to whom the property would be forfeited or to the state, if the state be entitled in whole or part to such property upon forfeiture, to pay to them the appraised value thereof, and costs in case final judgment of forfeiture be entered up.

SEC. 20. The case may be tried by a jury, if in the court of common pleas, upon the request of either party, otherwise by the court; and the cause of forfeiture alleged being proved, the court or justice who shall try the same, shall enter up judgment for the forfeiture and disposition of such property according to law.

SEC. 21. An appeal may be claimed by either party from any judgment or forfeiture rendered by a justice of the peace or court exercising the jurisdiction of a justice of the peace, to be taken in like manner as by defendants in criminal cases within the jurisdiction of a justice of the peace to try and determine, to the court of common pleas of the same county, and like proceedings may be had therein as in cases of informations for forfeitures originally filed in said court.

SEC. 22. The judgment of the court of common pleas shall be final in all cases of such forfeitures, whether originally commenced in said court or brought there by appeal, unless a new trial be ordered for cause shown by the supreme court.

SEC. 23. Costs may be awarded to the prosecutor, if a reasonable cause of seizure appear, in which shall be included the necessary expenses of the seizure and detention of the property; otherwise costs and damages as well as the restoration of the property shall be awarded to the claimant.

CHAPTER 226.

OF JAILS, AND OF THE CARE AND DISCIPLINE OF JAILS.

SECTION
1. Jail in county of Providence, what.
2 and 3. Jails in other counties, what, and by whom kept.
4. Jail in county of Providence, by whom kept.
5. Jailers, what shall provide for support, &c., of prisoners, and when, and how and what, to be paid by state.
6. Prisoners under authority of United States, when, and upon what terms, to be received in jails.
7. Jail in county of Providence, upon what terms to be used by city of Providence.
8. Jail in county of Newport, when and upon what terms to be used by city of Newport.
9. Inspectors of jails, who, and power of.
10. To whom, and in what cases to report.
11. Removal of prisoners in, in what cases, and by what authority, and how, to be made.
12. By what process, and how long to be detained in new place of custody.

SECTION
13. Of night guard to jails.
14. Penalty for communicating with or conveying tools, &c., to prisoners in jail.
15 and 16. Who to be kept at labor in jail of county of Providence.
SECTION
17. Who may be permitted to labor in, and for what compensation.
18, 19 and 20. Prisoners in civil suits, when to be put to labor in, allowance for, and disposal of proceeds of.

SECTION 1. The jail, in the county of Providence, shall be the building adjoining the state prison, built for the keeper's house, and such unoccupied portions of the state prison, including all buildings on the prison lot, as the inspectors of the state prison may, from time to time, appropriate to that purpose.

SEC. 2. The jails in the other counties shall be the buildings which have been, or may be, erected or appropriated by the state to that use.

SEC. 3. The jail of each county in the state, except the county of Providence, shall be kept either by the sheriff thereof, personally, or by a jailer, to be by him appointed, for whose acts and neglects he shall be accountable, and the sheriff shall have the custody thereof, and of all prisoners therein.

SEC. 4. The jail, in the county of Providence, shall be kept by the warden of the state prison, who shall ex officio be the keeper of said jail, and shall have the custody thereof, and of all prisoners therein.

SEC. 5. Every jailer, or keeper of a jail, shall provide each prisoner in his custody with necessary sustenance, clothing, bedding, fuel and medical attendance, and, except in the county of Providence, shall be allowed the compensation, fixed by law, for the support of all prisoners confined on criminal process, or process prosecuted by the state, out of the general treasury, upon presenting his account therefor to the auditor.

SEC. 6. Prisoners, excepting escaped slaves, may be committed under the authority of the United States to any jail upon payment of the expense of supporting such prisoners, fifty cents per month each for the use of the jail, and the legal fees of the jailer or keeper; and the sheriff, jailer or keeper of the jail, shall receive such prisoners, and them safely keep in jail until they shall be discharged by due course of the laws of the United States, under the like penalties and liabilities, civil and criminal, as in case of prisoners committed by the authority of this state.

SEC. 7. The city of Providence shall have the right to use the jail in the county of Providence for the confinement of city prisoners, upon payment to the keeper thereof the actual cost of the support of such prisoners, without computing therein any salary or compensation of any keeper, officer, or assistant employed therein.

SEC. 8. The proper authorities of the city of Newport are hereby authorized, so far as may be consistent with the other purposes for which said jail was erected, to make use of the county jail in the county of Newport, as a place for the commitment of vagrants; and said city shall be liable to pay to the keeper of said jail for the time being, such sum for the weekly support of each and every

person committed to the jail in said county, by virtue of the provisions of this chapter, as shall be allowed and paid by the state, from time to time, for the weekly support of each state prisoner in said jail: *Provided*, that the keeper thereof shall not be liable for damages or costs in any suit which may be brought by any person or persons who may be committed to said jail, under the authority of this chapter.

SEC. 9. The justice of the supreme court holding the court of common pleas, in every county except the county of Providence, shall, together with the clerk of the supreme court, and of the court of common pleas for said county, at the commencement of each term, inspect the jail of the county, and inquire into the state thereof as respects the security, treatment and condition of the prisoners; and shall have power to direct the sheriff to take such precautions as they may judge necessary against escape, sickness or infection.

SEC. 10. All misconduct or deficiencies with regard to the treatment or condition of the prisoners shall be reported by the said inspectors to the general assembly, at its next session; all danger to the public safety or the safety of the prisoners from the insufficiency of the jail, apprehension of rescue, or the prevalence of disease, shall be reported by the sheriff or said inspectors, to the supreme court, when in session in the county, as well as to the general assembly, and if said court be not in session, to two of the justices thereof.

SEC. 11. If in the opinion of the supreme court, when in session, or of any two of the justices thereof in vacation, it shall be expedient, from the insufficiency of the jail in any county, or the rebuilding or repairing of the same, the apprehension of rescue, the prevalence of disease, or other cause, to remove any prisoner or prisoners to the jail of any other county, it shall be lawful for said court or justices, upon application in writing to them by the sheriff or inspectors of the jail, to make an order for such removal, and issue a warrant therefor, and to have such prisoner or prisoners confined in the jail of some other county, and to allow to the officer or officers executing such order and warrant all proper costs and expenses thereof.

SEC. 12. Any prisoner or prisoners so removed shall be detained in the same manner and by the same process as in the jail from which they were removed, to be certified to the jailer by the removing officer, until remanded back by the order of the court or justices, or discharged according to law.

SEC. 13. Said court, when in session, or any one of the justices thereof, in vacation, are authorized to order and cause to be established a nightly guard at any of the jails, whenever they shall deem it necessary for the public safety or the safety of the prisoners, and to continue the same for so long a time as they may deem proper, and to allow the proper expense thereof.

SEC. 14. If any person shall have any communication, by conversation or otherwise, with, or convey any tools, wine, strong drink, letters or any other articles to, any person confined in jail,

from the outside of said jail, such person shall, upon conviction, be fined for each offence not exceeding fifty dollars, or be imprisoned not exceeding sixty days.

SEC. 15. All persons imprisoned in the jail in the county of Providence, on account of their conviction of any criminal offence, or on execution issued in any qui tam or penal action, or for not giving the recognizance required of them, to keep the peace upon complaint for threats, shall be let or kept at labor therein, or on the prison lot, or in some building thereon, for the benefit of the state, in such manner, under such contract, and subject to such rules, regulations and discipline as the inspectors of the state prison may make or appoint.

SEC. 16. If any such person shall be committed for non-payment of fine and costs, or for not giving the recognizance required of him to keep the peace upon complaint for threats, or shall be detained in such jail after the expiration of the term for which he was sentenced to be imprisoned, for non-payment of costs, he shall be allowed by the state ten cents per day for the first thirty days, and thirty-three and one third cents per day for every day after said thirty days that he shall labor toward the payment of his fine and cost, or costs, as the case may be.

SEC. 17. Every person who shall be committed to such jail to answer for any criminal offence, or on mesne process, in any qui tam or penal action, or on mesne process or execution in any civil action, may be permitted to labor as aforesaid, in the discretion of said inspectors, for the state: and in such case shall be allowed for his labor the sum of twenty-five cents per day for every day he shall so labor, to be paid to such prisoner by the order of the keeper of said jail upon the general treasurer, certified by at least one of said inspectors.

SEC. 18. Every person who shall have been imprisoned in said jail for a period exceeding six months, by virtue of an execution issued in any civil suit, shall, during the remaining time of his detention therein, be let or kept at labor, as convicts are under the fifteenth section of this chapter, for the benefit of his creditor or creditors by virtue of whose executions he is imprisoned.

SEC. 19. Such execution debtor shall be allowed by the state for every day's actual labor by him done, the sum of twenty cents per day, if the state shall receive or be benefited to that amount by his labor; if not, the amount which the state shall receive therefor or be benefited thereby.

SEC. 20. The keeper of said jail shall keep against every such execution debtor an account, in the name of the state, in which he shall charge him with the cost of board, if any, provided for him by the state, and any other necessaries by the state furnished to such debtor, and shall credit him with the price or value of his labor as aforesaid, and the balance, if any, shall, as often as once a month, be paid over by said keeper to the creditor detaining such debtor, or if there be more than one creditor so detaining him, be divided amongst such detaining creditors, in equal proportion to the amount of their debts, in liquidation of the same.

CHAPTER 227.

OF THE REFORM SCHOOL IN THE CITY OF PROVIDENCE.

SECTION
1. Power of city council of Providence to establish and govern.
2 and 3. How to be governed, and trustees how elected and removed.
4. Duty of trustees.
5. Power of, to adopt by-laws.
6. To receive criminals under eighteen years of age.
7. To admit children at request of parents or guardians.
8. Children admitted or sentenced to, under whose directions to be disciplined and dealt with.
9. Children sentenced to, but not received or incorrigible, how to be dealt with.
10. Commitments to, for what term, and effect of discharge from.
11. Power of trustees to bind out inmates of.
12. Children in, how to be instructed, &c.
13. Trustees of, how often to visit, and how often and to whom to report.

SECTION 1. The city council of Providence is authorized to establish and maintain, within the limits of the said city, a school for the confinement, instruction and reformation of juvenile offenders and of young persons of idle, vicious or vagrant habits, to be called the *Providence Reform School;* and may pass such ordinances, not contrary to the laws of this state, or of the United States, for the management thereof, as they may from time to time deem expedient.

SEC. 2. The government of said school shall be vested in a board of seven trustees, one of whom shall always be the mayor, for the time being of said city; and the remaining six shall be elected annually by the city council in convention of the two boards.

SEC. 3. No trustee shall receive any compensation for his services, and any trustee, except the mayor, may at any time be removed by a concurrent vote of the two boards of the city council. In case of the death, removal, or resignation of any trustee, the city council in convention may forthwith elect a successor in his place.

SEC. 4. It shall be the duty of said board of trustees to take charge of the general interests of the institution; to see that its affairs are conducted in accordance with the requirements of the city council, and of such by-laws as the board may from time to time adopt for the orderly and economical management of its concerns; to see that strict discipline is maintained therein; to provide employment for the inmates, and bind them out, discharge or remand them, as is hereinafter provided; to appoint a superintendent, and such other officers as, in their judgment, the wants of the institution may require, whose salaries shall be fixed and voted by the city council; to prescribe the duties of the superintendent and other officers, and to remove such officers at pleasure, and appoint others in their stead.

SEC. 5. The trustees shall also adopt a code of by-laws which,

as well as all alterations thereof, shall not be valid unless sanctioned and approved by the city council.

SEC. 6. The board of trustees shall have power, in their discretion, to receive into said school, all such children, under the age of eighteen years, as shall be convicted before any court sitting within the limits of said city as vagrants or disorderly persons, or of criminal offences, or of offences against the ordinances of the city of Providence, and of such children convicted of criminal offences, by or before any court or justice in the state.

SEC. 7. The board of trustees shall further have power, at their discretion, and for such payment as the city council shall direct, to admit into said school any child above the age of five years, at the request of his parents or guardian; and to accept from such parent or guardian a surrender in writing of any such child to the care and direction of the board.

SEC. 8. Any child admitted or sentenced to said school, shall there be kept, disciplined, instructed, employed and governed, under the direction of said board of trustees, until he shall be either reformed and discharged, or shall be bound out, by said trustees, according to their by-laws, or shall be remanded to prison under the sentence of the court, as incorrigible, upon information of the trustees, as hereinafter provided.

SEC. 9. If any child shall, upon any conviction, be sentenced to said school, and the trustees, or any two of them, in the absence of the others, shall deem it inexpedient to receive him; or if he shall be found to be incorrigible, or his continuance in the school shall be deemed prejudicial to the management and discipline thereof; or if the city council shall close said school, they shall certify the same upon the mittimus by virtue of which he is held, which mittimus, together with the child, shall be delivered to the sheriff, or his deputy, or to any constable of the city, who shall forthwith commit said child to the jail, house of correction, or state prison, as the case may be in pursuance of the alternative sentence provided for in chapter two hundred and twenty-two, section forty-four.

SEC. 10. All commitments to this institution, of children, of whatever age when committed, shall be for a term not longer than during their minority, nor less than two years, unless sooner discharged by order of the trustees, as hereinbefore provided; and whenever any child shall be discharged therefrom by the expiration of his term of commitment, or as reformed, or as having arrived at the age of twenty-one years, such discharge shall be a full and complete release from all penalties and disabilities, which may have been created by such sentence.

SEC. 11. The trustees of this school shall have power to bind out its inmates as servants or apprentices, until the age of twenty-one years, to any citizen of any of the New England states, in like manner and on the same conditions as the overseers of the poor may, by law, bind out the children that come under their charge.

SEC. 12. The trustees shall cause the children under their charge to be instructed in virtue and morality, and in such branches of useful knowledge as shall be adapted to their age and capacity.

They shall also be instructed in such regular course of labor as shall be best suited to their age and strength, and shall seem best adapted to secure the reformation and amendment and future benefit of the children; and, in binding out the inmates, the trustees shall have scrupulous regard to the moral character of those to whom they are to be bound, to the end that they may secure to the children the benefit of a good example and wholesome instruction, the means of improvement in virtue and knowledge, and the opportunity of becoming intelligent, moral and useful members of society.

SEC. 13. One or more of the trustees shall visit the school at least once in every two weeks, and they shall report their doings to the city council at such times and to such extent as the council shall from time to time prescribe.

CHAPTER 228.

OF THE STATE PRISON, ITS OFFICERS AND DISCIPLINE.

Inspectors.

SECTION

1. Inspectors of, how many, and by whom and for what term, appointed.
2. Chairman and clerk of, how elected.
3. Of meetings, and quorum of.
4. What officers may appoint, and tenure and qualification of such officers.
5. Notice to be given by, upon death, &c., of warden.
6. Power of, over salaries of officers.
7. To make rules and regulations for prison.
8. Of book of rules, &c., and copy of, to whom to be given.
9. Of duty of inspectors to visit prison.
10. Power of inspectors over convicts in prison or jail.
11. Power of, to advise warden as to purchases, and to contract for labor of prisoners.
12. Duty of, to audit accounts of warden and to countersign his drafts.
13. Power of an inspector to administer oaths.
14. Privileged exemptions of inspectors.
15. Of report of inspectors.

Warden.

16. Of bond to be given by warden.
17. Power of, to appoint assistants.

SECTION

18. Supplies to be furnished to.
19. Where to reside and to be, of nights.
20. Duties of warden.
21. Of his reports to inspectors.
22. Of his power to admit visitors to prison.
23. Penalty upon for receiving gifts, &c., from prisoners.
24. Of journal to be kept by him.
25. Power of to purchase supplies, &c., for prison.
26. Duty of, to keep and present accounts and vouchers to general assembly.
27. Duty of, to report upon prisoners.
28. Sheriff of Providence, *ex officio* warden, when.

Physician.

29. Duty of physician of.
30. Of his salary and medicines.
31. His examination of convicts, and journal concerning.
32. To visit and vaccinate prisoners, when.
33. Directions by, how given, and force of.
34. Duty to report to general assembly and inspectors.

Religious instructor.

35. Religious instruction, when and by whom required to be given.

36. Right of prisoners to have and read bible.
37. Intercourse of religious instructor with convicts.

Underkeepers and assistants.

38. Duty of underkeepers, &c., to inspect cell, food, &c., of prisoners, and to report upon deficiencies in.
39. Of underkeeper's leave of absence, and penalty upon for receiving gifts, &c., from prisoners.
40. Conversation by underkeepers, &c., with convicts.

Convicts.

41. Of examination and registry of convicts when first committed.
42. Of cleansing them, and care, &c., of their effects and clothes.
43. Linen of convicts.
44. Allowance of food to.
45. Penalty for delivering letter or message to.
46. Sick prisoner, not to be discharged against his will.
47. Right of discharged convict to his effects, &c., and to a gratuity.

Visitors.

48. Visitors to state prison, how allowed, and to conduct.
49. Official visitors of prison.

Inspectors.

SECTION 1. The oversight, management and control of the state prison, shall be vested in a board of seven inspectors, to be appointed annually by the governor.

SEC. 2. The board of inspectors shall elect their own chairman and clerk from the board.

SEC. 3. The board of inspectors shall hold monthly meetings at such times as they shall appoint, at which four members shall constitute a quorum; and may hold special meetings when necessary, all the members having notice thereof.

SEC. 4. They shall appoint, and may remove at pleasure, the warden, physician and religious instructor, and shall have a negative upon the appointment of the other officers, and assistants of the prison, who shall be removable at their pleasure, and shall, before entering upon their duties, be sworn before the board, or by one of the inspectors, to the faithful performance of their duties, and to the observance of the rules of the prison.

SEC. 5. Upon the death, resignation or removal of the warden, they shall immediately give notice thereof to the sheriff of the county of Providence, and proceed, as early as possible, to the election of another warden.

SEC. 6. They shall fix the salaries or compensation of the warden, physician, religious instructor, and other officers and assistants of said prison: *Provided*, that the salary of the warden, both as warden and keeper of the jail in the county of Providence, shall not exceed the annual sum of fifteen hundred dollars, the salary of the physician, one hundred dollars, and the salary of the religious instructor two hundred dollars, annually.

SEC. 7. They shall make all lawful and necessary rules and regulations for the internal police of said prison; for the mode of employing the convicts, imprisoned therein, and the place of such employment, within the limits of the prison yard, or within any of

the buildings on the prison lot; and shall determine the uniform to be worn by the prisoners.

SEC. 8. Such rules and regulations shall be entered in a book kept for that purpose, and a copy thereof given to the warden and other officers of the prison.

SEC. 9. One of said board shall, at least twice a month, visit the prison, examine into the condition of the prisoners, hear any complaints that they may make, and see that the rules and regulations of the prison are strictly observed; and they shall keep a particular record of all their meetings and proceedings, and of their weekly visits, and of the complaints made to them by prisoners, whether well or ill founded.

SEC. 10. They shall have full power and authority over all convicts who now are, or hereafter may be committed to said prison; to enlarge their confinement and regulate their labor and exercise within the limits of the prison yard, or of any building on the prison lot; to confine, in their discretion, females sentenced to imprisonment in the state prison, in the Providence county jail; to permit more than one person to remain in a cell, or a nurse to be with a prisoner in case of sickness; to admit such communication to and from prisoners and their friends, and between prisoners themselves, and such books and other articles to be given to them, as they may deem expedient, the same being consistent with the safe-keeping of the prisoners.

SEC. 11. They shall have power to advise with, and if they deem it necessary, to direct the warden as to the purchase of necessary medicines, supplies and provisions, the purchase of materials for and sale of products of labor for the prison; and shall let out, and enter into all contracts for the labor of the prisoners.

SEC. 12. They shall audit his accounts before they are presented to the general assembly, and shall, at least by a majority of their number, countersign all drafts drawn by him upon the general treasurer.

SEC. 13. Each of said board shall have power to administer oaths as to all matters connected with the prison.

SEC. 14. They shall serve gratuitously, and during their continuance in office they shall be exempted from military duty and from serving on juries; and any inspector who shall hold that office for five years shall be exempted from military duty ever afterwards.

SEC. 15. They shall make a written report of all their doings to the general assembly, at its adjourned session in Providence, in each year.

Warden.

SEC. 16. The warden of the state prison shall, before entering upon his office, give bond to the state, in the sum of ten thousand dollars, with sureties to the satisfaction of the inspectors, for the faithful performance of the duties of his office.

SEC. 17. He may appoint, subject to the approval of the inspectors, such, and such number of officers and assistants in the prison as may be necessary and proper.

SEC. 18. In addition to his salary, he shall have a supply of fuel, not to exceed in cost one hundred dollars a year, and of gas and oil for himself and family, out of the supplies furnished for the state prison and jail.

SEC. 19. He shall reside at the prison; and shall not absent himself therefrom for a night, without the written permission of two of the inspectors.

SEC. 20. He shall see that the rules of the prison are strictly obeyed; that the convicts regularly receive their allowance of food and clothes; that they are cleanly in their dress and cells, and actively engaged in the work prescribed them; and he shall enforce obedience to the prison rules by such punishments as are prescribed therein; but neither whipping nor any other corporal punishment shall be inflicted, except under the direction of one of the inspectors.

SEC. 21. He shall report in writing, once a month, at such time as the inspectors may determine, and oftener if they require, every case of punishment inflicted in the prison, and the mode and degree of the same, together with the cause thereof.

SEC. 22. He may, in his discretion, and without a permit from an inspector, admit visitors to the state prison, under such restrictions and on payment of such fees, to be applied as the board of inspectors may from time to time prescribe.

SEC. 23. He shall not receive from any one confined in the state prison, nor from any one in behalf of any such prisoner, any gift or reward, or the promise of any, for any services or supplies, or as a gratuity, under the penalty of five hundred dollars.

SEC. 24. He shall keep a journal, in which he shall regularly enter the reception, discharge, death, pardon or escape of every convict; all punishments by him inflicted for breach of prison discipline; and the visits of the inspectors and physicians.

SEC. 25. He shall, with the advice, and if they see fit, under the direction of the inspectors, be purveyor of medicines, provisions and supplies for the state prison and for the jail of the county of Providence, and shall purchase, if any, the materials for labor therein, and sell the products thereof.

SEC. 26. He shall keep correct accounts of all receipts and expenditures, and as far as may be, separate accounts of all expenses incurred for the prison and the jail, taking vouchers for all payments that he may make, specifying the articles furnished and the labor performed for each; and, at the adjourned session to be holden at Providence, shall annually present to the general assembly such account, after the same shall have been examined and certified by the inspectors to be correct.

SEC. 27. He shall also at the same time present a written report, which shall contain the number of persons in confinement in either, the sex, age, place of nativity, time of commitment, crime and term of imprisonment of each; noting also what convicts have left the prison or jail during the preceding year, and under what circumstances.

SEC. 28. In case of vacancy in the office of warden, by death,

resignation or removal, and until the bond of the new warden is given as by law required, the sheriff of the county of Providence shall be, *ex officio*, warden of the state prison, and shall be entitled to receive such compensation as belongs to said office.

Physician.

SEC. 29. The physician shall have the medical care of all convicts in the state prison, and of such of the prisoners in the jail of the county of Providence, at the suit of the state, as are in need of medical aid.

SEC. 30. His salary shall not exceed the annual sum of one hundred dollars, and no charge shall be allowed to him for medicines; but the same shall be purchased by the warden of the state prison as aforesaid, on account of the state, and be delivered by him to the attending physician, to be used as may be necessary.

SEC. 31. He shall examine each convict in the state prison on his first visit to him, as to the state of his health, both in body and mind, his habits and mode of life, and make a memorandum thereof in his journal.

SEC. 32. He shall visit each convict in the state prison once in every week, and oftener if need be, and shall vaccinate all convicts in the prison and jail not before vaccinated.

SEC. 33. All directions by him given as to the medicines, diet, clothing, cleanliness, labor and exercise of the sick shall be in writing, and entered on his journal, and shall be strictly attended to by the warden of the prison, so far as not inconsistent with law or the rules of the prison, or the safe custody of the convicts.

SEC. 34. He shall present monthly to the board of inspectors, and annually to the general assembly at their adjourned session at Providence, a written report of his proceedings, and of the state of health of the prison for the month and year preceding.

Religious instructor.

SEC. 35. Public religious exercises shall be held by the religious instructor in the state prison on Sundays, measures being taken to prevent the convicts during the same from holding any communication with any one which is not authorized by the rules of the prison.

SEC. 36. Every cell shall be furnished with a bible, and one hour each day shall be allowed to each convict for the perusal of the same.

SEC. 37. The religious instructor shall be allowed as free intercourse with the convicts, for the purpose of giving them moral and religious instruction, as is consistent with their safe custody.

Underkeepers and assistants.

SEC. 38. One underkeeper or assistant shall every day inspect the cell of each prisoner, shall see that his meals are regularly fur-

nished, that his cell and all its contents are in good order, and shall report in writing to the warden, and to the inspectors when required, all deficiencies in these respects.

SEC. 39. No underkeeper or assistant shall absent himself from the prison without the leave of the warden; nor shall any one receive from any convict confined in the state prison, nor from any one in his behalf, any reward or gift, or promise of any, either for services or supplies, or as a gratuity, under the penalty of imprisonment for thirty days. He shall also be immediately dismissed, and shall not afterward be employed in the prison.

SEC. 40. The underkeepers and assistants shall have no conversation with the convicts other than is necessary for understanding and supplying their wants, and enforcing industry and obedience to the rules of the prison.

Convicts.

SEC. 41. Every convict shall, immediately on his commitment to the state prison, be examined by the warden and other officers, and his name, height, apparent and alleged age, place of nativity, complexion, color of hair and eyes, length of foot, and trade or occupation, as near as may be, ascertained and entered in a book provided for that purpose, together with such natural and accidental marks as may serve as a means of identifying his person.

SEC. 42. All the effects on the person of the convict, as well as his clothes, shall be taken from him, an inventory of which shall be entered under the description of his person, in his presence; after which he shall be thoroughly cleansed, conducted to the cell assigned him, clothed in the uniform of the prison, informed of the rules of the prison, and set to labor as soon as conveniently may be. The effects and clothes of each convict shall be carefully kept by the warden, and restored to him on his discharge, unless he shall desire to have the same sold by the warden; if so, he shall receive the proceeds thereof on his discharge.

SEC. 43. A change of linen shall be furnished to each prisoner at least once a week.

SEC. 44. No convict shall receive any thing but the prison allowance, unless by order of the physician.

SEC. 45. No person shall deliver to or receive from any convict any letter or message whatever, not authorized by the rules and regulations adopted by the board of inspectors, or supply any convict with any article of any kind, under the penalty of one hundred dollars.

SEC. 46. No prisoner shall be dismissed from the state prison while laboring under dangerous disease, unless at his own request, although entitled to his discharge.

SEC. 47. When a convict shall be discharged, he shall receive his effects and clothes taken from him at his commitment, or the proceeds thereof; shall be decently clothed, and shall also be paid five dollars by the warden, to be charged to expenses, whereby he can support himself until he can obtain employment.

Visitors.

SEC. 48. No person not an official visitor shall be allowed to visit the prison without the permission of the warden as aforesaid, or a written permit from one of the inspectors; nor shall any person other than an official visitor have any conversation or communication with any convict, except as provided for in the general rules established for the prison. This rule may be dispensed with in favor of any person visiting the prison from without the state, for the purposes of general information, by a written permit from two inspectors.

SEC. 49. The governor and lieutenant-governor of the state, the speaker of the house of representatives, the secretary of state, the attorney-general and the justices of the supreme court shall, *ex officio*, be official visitors of the prison.

TITLE XXXIII.

Of Salaries and Fees.

CHAPTER 229. Of salaries and compensation of certain officers.
CHAPTER 230. Of fees and costs in certain cases.

CHAPTER 229.

OF SALARIES AND COMPENSATION OF CERTAIN OFFICERS.

SECTION
1. Salaries, how payable, and when first quarter for, commences.
2. Salary of governor.
3. Of lieutenant-governor.
4. Of secretary of state.
5. Of general treasurer.
6. Of state auditor.
7. Of justices of supreme court.
8. Of attorney-general.
9. Of reporter of supreme court.
10. Of clerk of supreme court for county of Providence.
11. Of clerk of court of common pleas for county of Providence.
12. Of commissioner of public schools.
13. Of justices of court of magistrates of Providence.
14. Of justices of court of justices of Newport.
15. Of justices of court of magistrates of Woonsocket.

SECTION 1. All salaries shall be paid quarterly, unless otherwise specially directed; the first quarter commencing on the day on which the officer shall be completely qualified according to law to enter upon the duties of his office.

SEC. 2. The annual salary of the governor shall be one thousand dollars.

SEC. 3. The annual salary of the lieutenant-governor shall be two hundred and fifty dollars.

SEC. 4. The annual salary of the secretary of state shall be one thousand dollars with fees: said salary to be in full of all services performed for the state, unless otherwise specially resolved or enacted.

SEC. 5. The annual salary of the general treasurer shall be eight hundred dollars.

SEC. 6. The annual salary of the state auditor shall be one thousand dollars.

SEC. 7. The annual salary of the chief justice of the supreme court shall be twenty-five hundred dollars, and of each of the other justices, eighteen hundred dollars.

SEC. 8. The annual salary of the attorney-general shall be twelve hundred dollars; and in addition, one dollar a day for every day's attendance in the general assembly, supreme court and courts of common pleas.

SEC. 9. The annual salary of the reporter of the supreme court shall be five hundred dollars.

SEC. 10. The annual salary of the clerk of the supreme court for the county of Providence, shall be thirteen hundred dollars, in lieu of all fees, which are to be accounted for and paid by him to the state.

SEC. 11. The annual salary of the clerk of the court of common pleas of the county of Providence, shall be fifteen hundred dollars, in lieu of all fees, which are to be accounted for and paid by him to the state.

SEC. 12. The annual salary of the commissioner of public schools shall be twelve hundred dollars.

SEC. 13. The annual salary of the justice of the court of magistrates of the city of Providence, officiating as clerk, shall be one thousand dollars, and of each of the other justices, eight hundred dollars.

SEC. 14. The annual salary of the justice of the court of justices of the city of Newport, officiating as clerk, shall be four hundred dollars, and of each of the other justices, three hundred dollars.

SEC. 15. The annual salary of the presiding justice of the court of magistrates in the village of Woonsocket, shall be three hundred dollars, and of the clerk of said court, four hundred dollars.

CHAPTER 230.

OF FEES AND COSTS IN CERTAIN CASES.

SECTION
1 and 2. Fees of justices of peace and courts of magistrates, in civil cases.
3. Of justices of the peace in criminal cases.
4. Of officers empowered to take depositions.
5. Of coroners.
6. Of officers empowered to acknowledge deeds and engage officers.
7. Of recording and certifying officers.
8. Of clerks of courts of common pleas.
9. Of clerks of supreme court.
10. Of clerk's fees of supreme court and court of common pleas in the county of Providence.
11. Fees of attorneys and parties in supreme court and court of common pleas.
12 and 13. Of grand and petit jurors.
14 and 15. Of witnesses.
SECTION
16. State's costs in supreme court to be paid before docketing.
17. State's costs in court of common pleas to be paid before docketing.
18. State's costs in supreme court and court of common pleas to be paid before verdict recorded.
19. Fees of justices of supreme court.
20. Fees of sheriffs, deputy sheriffs, town sergeants and constables.
21. Allowance to officers for keeping personal property attached.
22. Allowance to officers for aid.
23. Officers to indorse fees on process.
24 and 25. Fees of jailers.
26. Of notaries public.
27. Of courts of probate.
28. Of town clerks.
29. Of state, in criminal cases in supreme court and court of common pleas.
30. Of secretary of state.

SECTION 1. Justices of the peace shall be allowed the following fees, in full, in civil cases: —

For every writ upon which no judgment is rendered,	$0 25
For entering and recording judgment in every defaulted case,	90
For trial of every case, and recording judgment,	1 00
For entering rule of court, issuing commission, receiving report and recording the same,	1 00
For every appeal bond,	10
For every writ of execution,	16
For examination of poor debtors for relief,	50

SEC. 2. In addition to the above, except that no fee shall be taxed by the court for the rendition of judgment, there shall be paid to the clerks of courts of magistrates or justices, in civil cases, the same to be accounted for by the clerks to the state auditor, and paid over to the general treasurer: —

For every civil writ signed by such clerk,	05
For the entry of every civil action,	75

There shall also be taxed in the bill of costs of every such case, in such court, or before a justice of the peace, for the attendance and to the use of the party recovering judgment therein, 50

SEC. 3. Justices of the peace shall be allowed the following fees, in full, in criminal cases: —

For process and examining every person accused of crime beyond the jurisdiction of a justice to determine, excluding mittimus and recognizance,	$1 25
If more than one day employed, for every day after the first,	75
For process and trial of any person accused of crime within the jurisdiction of a justice, excluding mittimus,	1 00
If more than one day employed, for every day after the first,	50
For every warrant issued, but not served, to be paid by complainant where recognizance to prosecute is required,	25
For every recognizance of bail of person committed to jail for crime, taken by such justice empowered by the supreme court or one of the justices thereof, to take such recognizance,	1 00
For taking recognizance for appearance of party or witness to higher court, and recording same,	30
For every mittimus,	25

No additional fee to be charged where more than one person is included in the same process, if all are examined or tried at the same time.

SEC. 4. To all officers empowered to take depositions there shall be allowed: —

For every hour necessarily employed,	40
For every page of two hundred words,	30
For every mile's travel to place of caption,	10

SEC. 5. The following fees shall be allowed on the taking of each coroner's inquest, to be paid out of the estate of the deceased, as part of the funeral charges, and with priority as such; and to be exhibited by the coroner against the estate, and enforced by legal process, if need be; if there be no such estate, or not sufficient, to be paid out of the town treasury; and if the deceased be a prisoner in the state prison or in any state jail, out of the general treasury: —

To the coroner for taking the inquest,	1 00
For each day employed therein,	1 00
For every page of testimony of two hundred words,	30
To each juror,	1 00
To the officer for summoning the jury,	1 00

SEC. 6. To all officers empowered to take acknowledgments of deeds and administer oaths of engagement to office, there shall be allowed: —

For taking acknowledgment of one or more parties to any instrument at one time,	25
For engaging every officer,	25

SEC. 7. To all recording and certifying officers, unless otherwise specially provided, there shall be allowed: —

For every page of two hundred words recorded or copied,	$0 20
For searching records, by the hour,	20

SEC. 8. To clerks of the courts of common pleas there shall be allowed, in full: —

For every nil dicit,	75
For every answered action, petition and appeal, at its first term,	1 25
For every continuance of same,	1 00
For every indictment at its first term,	3 00
For every continuance of same,	2 00
For every recognizance at its first term,	75
For every continuance of same,	50
For every writ of execution,	25
For every other writ than summons to voucher,	15
For summons to voucher,	50
For writ and rule to referee and commission to auditors and others,	50
For every appeal bond,	10
For taxing and examining every bill of costs,	15
For attending court by the day,	1 00

SEC. 9. To clerks of the supreme court there shall be allowed, in full: —

For every action, appeal, suit in equity and original petition, except petition for insolvent act, at first term,	2 00
For every continuance of same,	1 50
For every petition for benefit of insolvent act,	1 50
For every continuance of same,	50
For every indictment within exclusive jurisdiction of court to try, at first term,	6 00
For every continuance of same,	2 50
For every other indictment at first term,	4 00
For every continuance of same,	2 00
For every recognizance at first term,	1 00
For every continuance of same,	50
For every law writ,	15
For writ and rule to referees, and commission to master in chancery and others,	50
For subpœna in equity,	75
For entry of every writ, action, appeal and suit in equity,	25
For acknowledging satisfaction of judgment upon record,	10
For taxing and examining every bill of costs,	15
For attending court, by the day,	1 00

SEC. 10. All clerks' fees in the supreme court and court of common pleas for the county of Providence, shall be received by the clerks to the use of the state; the fees on each writ, action, appeal, petition and suit in equity, for the first term, before entering the same; and for each term thereafter, on or before the second day thereof; otherwise the proceeding to be dismissed on motion of the clerk, at the discretion of the court.

SEC. 11. The following fees shall be taxed and allowed in bills of costs to attorneys and parties in the supreme court and courts of common pleas in civil cases:—

To the plaintiff's attorney obtaining judgment, for writ and declaration,	$1 00
To the attorney of either party in an action at law, for counsel fee in court of common pleas,	1 00
For same in supreme court,	2 00
To plaintiff's solicitor for every bill in equity original and supplemental,	5 00
For every petition or motion for a special injunction,	2 50
To defendant's solicitor for every answer to bill in equity, original or supplemental, one only to be taxed, though several filed, if defence be joint,	5 00
For appearing to and answering every petition or motion for a special injunction,	2 50
To parties and witnesses for affidavit on such motion the same fees as in depositions.	
For the attendance of the party recovering judgment at law or in equity, by the day, partners and joint owners and contractors to be taxed as one party; two days only to be taxed in a nil dicit,	15
For travel of same, per mile,	05

SEC. 12. Grand and petit jurors shall be paid for each day's attendance on the supreme court or courts of common pleas, each, 1 50

For their travel to and from court, each mile, 10

SEC. 13. If either of said courts shall be adjourned or shall dismiss all the jurors summoned and attending for one day or more, exclusive of Sundays, the jurors shall be allowed travelling fees at the above rate.

SEC. 14. The fees of witnesses shall be:—

For every day's attendance before the supreme court or court of common pleas,	1 00
For every mile's travel,	10
For every day's attendance before any other tribunal or magistrate, including attendance in giving depositions,	50
For every mile's travel,	05

SEC. 15. Every witness before obtaining any fees, except the amount which in certain cases must be tendered to him before he can be compelled to attend, shall give a certificate to the clerk of the court or magistrate wherein or before whom his attendance shall be given, certifying the number of days he shall have attended, and the number of miles he shall have travelled, in pursuance of a summons issued for that purpose, which certificate shall be subject to the examination of the court or magistrate, and such allowance shall be made thereon as may be lawfully due.

SEC. 16. There shall be required for the use of the state by the clerks of the supreme court, to be paid before docketing, and to be allowed in the bill of costs: —

For the entry of every original action at law,	$1 00
For the entry of every action at law, on appeal, and of every original bill of equity,	3 00
For the entry of every petition and complaint, including motions for new trial, and excluding all petitions and motions attendant on a suit in equity, except petitions and motions for a special injunction, and also excluding petitions for the benefit of the insolvent act,	2 00
For the entry of every petition or motion for a special injunction, and of every petition for the benefit of the insolvent act,	1 00

SEC. 17. There shall be required by the clerks of the courts of common pleas, for the use of the state, and to be paid before docketing, and to be allowed in the bill of costs: —

For the entry of every action, petition, and complaint,	1 00

SEC. 18. There shall be required by the clerks of the supreme court and of the courts of common pleas, for the use of the state, to be paid before verdict is recorded, and to be allowed in the bills of cost: —

For the separate trial to a jury of each issue in a civil cause, in which verdict is rendered,	5 00
For such trial opened or finished, to a jury, the cause being disposed of without verdict, by continuance or otherwise,	2 50

The above fees to be paid in the first instance by the moving party.

SEC. 19. There shall be allowed to the justices of the supreme court, for their own use, to be paid in the first instance by the applicant, and allowed in costs, if any: —

For every writ and citation granted out of term,	25
For allowing every bill of costs,	10
For every judgment, order or decree in any petition, or in any cause in equity, made in vacation by a single justice,	1 00
For every mile's travel from the residence of the justice to the clerk's office, or place of hearing,	10
For examining every applicant for relief under the poor debtor's act,	50
For bailing every person committed to jail for crime,	1 00
For the entry of every special court action, if answer be filed, and the justice attends,	3 00
If no answer be filed,	1 00
For receiving complaint against any turnpike-road, and issuing notice thereon,	1 00
For every day spent in examining a turnpike-road, in addition to expenses,	2 00

SEC. 20. The fees of sheriffs, deputy sheriffs, town sergeants and constables, shall be as follows: —

For serving a writ, citation, subpœna or monition, by arrest, by leaving a copy, by reading the same to the party to be served, or by attaching real or personal estate,	$0 50
For serving writ of replevin including taking bond and delivering property,	1 00
If the damage laid in the writ served by arrest or attachment or in a writ of replevin, is over five hundred dollars, in addition, one twentieth of one per cent. for all sums over.	
For every hour after the first, actually employed in making a schedule of property attached,	20
For taking bail, whether by bond or indorsement,	50
For committing a person on mesne process,	30
For committing a person on execution,	70
For serving all executions where the money due thereon is collected or paid during commitment and does not exceed four dollars,	30
If above four and not exceeding seven dollars,	40
If above seven and not exceeding twenty dollars,	60
If above twenty and not exeeding fifty dollars,	1 00
If above fifty and not exceeding one hundred dollars,	1 50
If above one hundred and not exceeding two hundred,	2 00
If above two hundred dollars, one per cent.; none of the less sums to be included in the greater.	
For serving an execution by levy on, or attachment of real estate,	30
For serving an execution by levy on, or attachment of personal estate, the same as for serving a writ by attachment of like property.	
For delivering possession of lands while actually employed, by the day,	1 00
For advertising real or personal estate to be sold at auction,	1 00
For advertising every adjournment of same,	50
For selling at public auction real or personal estate, if one hundred and fifty dollars or under, two per cent.	
If over one hundred and fifty dollars and under three hundred dollars, one and one half per cent.	
On all sums over three hundred dollars, one per cent., to be computed on the amount of the sales; and none of the less sums to be included in the greater.	
For serving a summons on a witness, if not more than one mile from the place of appearance,	20
For travel per mile to serve a summons or writ, to be computed from the place where the same is returnable; and if more than one person is named therein, the travel shall be computed from the place of service which shall be nearest, adding thereto the extra travel which shall be necessary to serve it on the others,	10

For serving a warrant or capias in a criminal case, and conveying the prisoner to court, if not more than one mile,	$0 60
For every original commitment of a prisoner in such case to any jail or to the state prison,	70
For every subsequent commitment on same complaint,	25
For travel with a prisoner in custody in such case to court, county jail or to the state prison, per mile,	20
If under process issued by court of magistrates of city of Providence to county jail or to the state prison, per mile,	10
For attending a justice's court other than courts of magistrates and courts of justices by the day, in a civil case,	25
For attending a justice's court, by the day, in a criminal case,	50
For attendance by sheriffs upon the supreme court or courts of common pleas each, whether sitting at the same time or not, by the day,	3 00
For actual attendance by deputy sheriffs, other officers and waiters, by the day,	1 50

SEC. 21. The supreme court or court of common pleas, upon petition made by any sheriff or other officer, setting forth the facts on oath, may allow such fair compensation for the keeping of personal property attached and held on mesne process as shall on examination be found to be reasonable.

SEC. 22. A reasonable allowance may be made by any court or magistrate to an officer serving a search-warrant and to any person employed by an officer as aid in the service of any process, whenever the same shall be adjudged necessary by such court or justice, not exceeding in any case one dollar per day to each person so employed.

SEC. 23. Every officer who shall serve any process civil or criminal, shall indorse thereon the several items which constitute the amount of his fees; and on failure thereof the same shall not be taxed or allowed in any bill of costs, nor be recoverable by law.

SEC. 24. Jailers shall be allowed as follows: —

For taking custody of each prisoner committed to their custody, whether on civil or criminal process,	25
For discharging every such prisoner and entering the same on the jail book,	25
For each bond for the liberty of the jail yard, drawn and furnished by the jailer,	25
For board of state prisoners and others, by the week,	2 00

SEC. 25. Whenever any petitioner for relief as an insolvent shall, on the reception of his petition, be liberated from jail on condition that he give bond to return again in case the prayer thereof should not be granted, or he be discharged from jail by the court upon the granting of his petition, he shall, before his liberation from jail, pay to the jailer in whose custody he may be, the sums which may be

due to said jailer on account of his prison fees, and other incidental charges which may have accrued on such commitment.

SEC. 26. The fees of notaries public shall be as follows: —

For noting a marine protest,	$1 00
For drawing and extending such a protest and recording same,	1 50
For taking affidavits,	25
For noting any note, bill of exchange, order or check, for non-payment or non-acceptance,	25
For every notice more than one,	10
For travel of more than one mile, per mile,	10
For extending a protest for the non-acceptance or the non-payment of a note, bill of exchange, order or check, and recording the same,	75
For taking the acknowledgment of any instrument and affixing his seal,	50

SEC. 27. The fees of courts of probate shall be as follows: —

For the probate of every will, granting letters testamentary thereon, and allowing bond of executor to return an inventory,	1 00
For receiving and allowing an inventory, and engaging the executor, administrator or guardian exhibiting the same, when the amount thereof shall be less than one hundred dollars,	25
If amounting to one hundred dollars and not exceeding five hundred dollars,	50
If amounting to five hundred dollars and not exceeding one thousand dollars,	1 00
If over one thousand dollars, one tenth of one per cent., not exceeding, in any case, fifty dollars.	
For the probate of every will, granting letters testamentary thereon, and allowing bond of executor to pay debts and legacies,	1 00
In addition, the same per cent. on the amount of the personal property of the testator as would be payable if an inventory had been returned: such amount to be ascertained by the examination of the executor under oath.	
For the filing of every will proved out of the state,	1 00
For granting letters of administration on an intestate estate and allowing bond of the administrator,	1 00
For appointing and engaging appraisers,	25
For allowing an account of an executor, administrator or guardian, and engaging the person exhibiting the same,	1 00
For granting letters of guardianship over a minor or other person,	50
For granting a warrant for dividing real estate or assigning dower, and engaging the persons appointed therein,	1 00
For receiving and allowing a division of real estate, or assignment of dower,	50

For every decree on petition of an alien for leave to hold real estate,	$1 00
For every decree on petition for sale of real estate, giving instructions and approving bond, or for refusing to grant such decree after hearing,	2 00
For each decree, judgment or order, other than as above,	25

SEC. 28. The fees of town clerks shall be as follows: —

For receiving and filing a certificate of attachment of real estate,	10
For receiving and filing an account under the lien law,	10
For recording every certificate of marriage,	20
For recording every birth or death,	10
For every certificate of the qualification of a voter,	10
For drawing bond and license for keeping tavern, retailing liquor or other purpose,	50
For allowing a discharge of a mortgage on the record,	25
For receiving an appeal bond and filing the same,	10
For taking bond and issuing letters testamentary, of administration or of guardianship,	50
For every warrant to commissioners to set off dower or make partition,	50
For every other warrant or citation,	25
For services on every petition of an alien to hold real estate,	1 00
For drawing probate of a will or codicil, decree of acceptance or allowance of an inventory, commissioner's report, account or guardians' lists of debts,	25
For every summons for witnesses,	10

SEC. 29. There shall be taxed and allowed to the state in the bill of costs against every person, in a criminal cause pending in the supreme court or the courts of common pleas, which it shall be the duty of the attorney-general to attend to: —

For every indictment drawn which shall be found by the grand jury,	1 50
For the argument of other indictment or complaint in which issue is joined in law or in fact,	5 00

SEC. 30. To the secretary of state there shall be allowed in addition to his salary: —

For every private petition to the general assembly received in either house which shall be continued with order of notice, to be paid by the applicant on continuance of the same,	1 50
For making a certificate and affixing seal of the state where the state is not a party,	1 00

TITLE XXXIV.

Of the Militia.

CHAPTER 231. Of the enrolled militia.
CHAPTER 232. Of the active militia.
CHAPTER 233. Of the organization of the militia, and how officered.
CHAPTER 234. Of the election, appointment, commissions, warrants and oath of officers.
CHAPTER 235. Of arms, equipments, military books and property.
CHAPTER 236. Of discipline, inspection, training and review.
CHAPTER 237. Of rolls and returns.
CHAPTER 238. Of drafts and calling the militia into service.
CHAPTER 239. Of exemptions by bodily infirmity, and of discharges.
CHAPTER 240. Of pay.
CHAPTER 241. Of fines and penalties.
CHAPTER 242. Of courts-martial.
CHAPTER 243. Of boards of officers and courts of inquiry.
CHAPTER 244. General provisions.

CHAPTER 231.

OF THE ENROLLED MILITIA.

SECTION
1. Who to be enrolled and how, and rolls how to be delivered and recorded, in the towns.
2. Returns of enrolled militia, how and when to be made to brigade inspector and by him to adjutant-general.
SECTION
3. Persons absolutely exempt from military duty.
4. Persons temporarily exempt.
5. Duty of disclosing to assessors persons liable to military duty.
6. Who to be disenrolled from the militia.

SECTION 1. It shall be the duty of the assessors of taxes in each town and city in the state, annually to make out a list or roll of all persons living in their respective limits between the ages of eighteen and forty-five, liable to be enrolled by the laws of the United States, arranged alphabetically, and on or before the first Monday of October of each year, to place the same in the hands of the clerks of their respective towns or cities; and it shall be the duty

of every such clerk to record such list or roll in a book of record to be kept for that purpose, of any such town or city.

SEC. 2. The annual returns of the militia so enrolled, shall be transmitted in October in each year, by the clerks of the respective towns and cities, to the brigade inspector for the district within which such town or city is situated, who shall record the same in a book to be kept by him for that purpose, and transmit, on or before the fifteenth day of November in each year, copies of such rolls certified by him, to the adjutant-general, who shall record the same in a book to be kept by him for that purpose.

SEC. 3. The following persons shall be absolutely exempted from military duty in this state:—

Those exempted by the laws of the United States, to wit: the vice-president of the United States; the officers, judicial and executive, of the government of the United States; the members of both houses of congress and their respective officers; all custom-house officers with their clerks; all post-officers and stage-drivers, who are employed in the care and conveyance of the mail of the post-office of the United States; all ferry-men employed at any ferry on the post-road; all inspectors of exports; all pilots, and all mariners actually employed in the sea-service of any citizen or merchant within the United States; and in addition, all persons who have holden the office of governor or lieutenant-governor; all persons who, after the last day of February, A. D. 1796, shall have holden in this or any other of the United States, or in the service of the United States, any military commission or commissions, or staff-office, with the rank of an officer of the line for the space of five years successively, and who shall have been engaged thereon according to law, and been honorably discharged; and all persons who shall have holden in this state any such military commission or commissions, or staff-office aforesaid, for a term less than five years, and who have been superseded without their consent.

SEC. 4. Persons of the following description, as long as they shall remain of said description, shall be exempted from the performance of military duty, to wit: the justices and clerks of the supreme court, the justices and clerks of the courts of common pleas, the secretary of state, the attorney-general, the general treasurer, the state auditor, the sheriff and his deputies of each county, one ferry-man at each stated ferry who usually navigates the boat, the keepers of light-houses within this state, all settled or ordained ministers of the gospel, all licensed preachers, the president, professors, tutors, students and steward of Brown university, the town councils of the several towns, the mayor and aldermen of any city, town and city treasurers, town and city clerks, practising physicians, practising surgeons — not including the pupils of either — preceptors and ushers of academies and schools, and engine men — *Provided*, that no engine shall have more than twenty men, unless otherwise provided by special enactment; the members of fire hook and ladder companies, and chartered fire hose companies — *Provided*, that no engine men, no members of fire hook and ladder companies, and chartered hose companies, shall be exempt unless

they compose part of the fire department of the town or city in which they reside; all persons belonging to the society of Friends, commonly called Quakers, and the inhabitants of the towns of New Shoreham and Jamestown, and of the island of Prudence, the island of Patience and Hog island, and such others as shall make oath or affirmation that they are conscientiously scrupulous against bearing arms, which fact shall appear by certificate of the magistrate before whom such oath or affirmation was given.

SEC. 5. Every keeper of a tavern or boarding-house, and every master or mistress of a family or dwelling-house, shall, upon application of the assessors of taxes of the town or city within which such tavern or house is situated, or on application of any person acting under the direction and authority of such assessors, give information of the names of all persons residing in such tavern or house, liable to enrollment, or to do military duty.

SEC. 6. If any non-commissioned officer or private shall become a pauper, vagabond or common drunkard, or be convicted of any infamous crime, he shall be forthwith disenrolled from the militia.

CHAPTER 232.

OF THE ACTIVE MILITIA.

SECTION
1. What shall consist of.
2. Chartered companies, number to be admitted into, and how to be drilled and disciplined.
3. Active militia, liability to service of.
4. Companies of, how may be formed, mustered, and to report and be accepted.
5. Incorporation and charter of.
6. Blanks in charter, how filled, effect of charter, and first officers of, how appointed and commissioned.
7. Companies of active militia, how disbanded.
8. Volunteer corps, how formed, officered, &c.
9. How attached for discipline, and notice of brigade training, how given to.
10. Members of, when to serve, and service of, how proved, for voting purposes.

SECTION 1. The active militia shall consist and be composed of the officers, non-commissioned officers, privates and musicians of the several chartered military companies of this state, the officers commissioned under this title, the members of military bands, chartered and attached to any company, regiment or brigade, and such drivers of artillery as may be enlisted into any artillery company.

SEC. 2. The chartered companies may admit members to the number of five hundred, any thing in the charters of said companies to the contrary notwithstanding; they shall be drilled and disciplined as battalions as well as companies, and shall be the peace establishment of the state, and nurseries of officers.

SEC. 3. The active militia shall, in all cases, be first ordered into service, in case of war or invasion, or to prevent invasion or sup-

press insurrection, riot or tumult, or to aid civil officers in the execution of the laws of the state.

SEC. 4. Whenever forty men or more, liable to be enrolled by the laws of the United States, shall have enrolled themselves as a company of cavalry, infantry or riflemen, and shall sign and present to the governor, a petition and declaration that they are desirous of serving this state as a portion of the military force thereof, it shall be the duty of the governor to appoint some commissioned officer of the militia to muster and inspect the persons so petitioning, and to report to the adjutant-general the names of the persons present at such muster and inspection, and the condition of their discipline and equipment, and upon such report the governor may, in his discretion, accept the services of such persons as a part of the active militia of this state, and cause the petition and report and his acceptance and approval of the same, to be filed in the office of the secretary of state.

SEC. 5. The persons named in the report of the inspecting officer, and such others as may thereafter be associated therewith, and their successors not exceeding the number of five hundred at any one time, shall thereupon be constituted a body politic and corporate under such name as the governor may appoint or direct, for military purposes only, and shall be entitled to receive from the secretary of state under the seal of the state, a charter in the form, and to the effect following: —

CHARTER OF

Article 1. and such others as now are and hereafter may be associated with them, not exceeding five hundred men, are hereby created a body corporate and politic for military purposes by the name and style of , and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, defend and be defended against in all courts of competent jurisdiction, and may have and use a common seal.

Article 2. Said company shall form a part of the active militia of the state attached to the brigade, shall be armed and equipped as , shall be subject to the militia laws for the time being, and shall be entitled to all the rights and privileges and subject to all the duties of the companies attached to the line in said brigade. The rank and number of officers of the company shall conform to the provisions of title thirty-four.

Article 3. Said company shall once in every year, on the third Monday of April, and at such other times as may be necessary under title thirty-four, meet at some convenient place in their district by their commanding officer appointed, and then and there by a majority of the votes of the members choose such officers as shall be provided by law, who shall hold their offices as provided in title thirty-four; vacancies occurring by removal from the state or otherwise shall be filled as herein provided; but the superior officer of the company may appoint under his hand and the seal of the company, suitable persons to fill vacancies until an election is had, and appoint such non-commissioned officers as may be necessary.

Article 4. Said company shall meet and perform street or field duty at least four days in the year, upon penalty of paying to and for the use of said company when the parade shall be ordered by the commanding officer of the company, for each and every neglect, a fine not exceeding six dollars for the colonel, four dollars for each other commissioned officer, and three dollars for every other member of said company. Said company, or the greater part of them, shall have power to make such rules, by-laws and orders for their government as they may think fit, provided the same are not inconsistent with law or the provisions of title thirty-four, and to establish such fines, forfeitures and penalties, and the manner of imposing the same, as they may think necessary, so as the same exceed not six dollars for any one offence. Said company shall parade, under like penalties, at such times as their commanding officer or other superior officer shall order.

Article 5. For all fines, forfeitures and penalties incurred for the violation of the rules, by-laws and orders of said company, or under this charter, or of the provisions of title thirty-four, the commanding officer, within ten days after any member may have incurred the same, shall cause said delinquent to be notified in writing of the penalties incurred by him, and if said delinquent shall fail to excuse himself to the satisfaction of the commanding officer or of the company within ten days after such notice given, then the commanding officer may issue his warrant under his own hand, and seal of said company for said penalty or penalties, which warrant shall be directed to the sheriff or his deputy, or any town or city sergeant or constable in the town or city in which such delinquent resides, who are hereby required to execute the same. Said warrant may be levied on the goods and chattels of said delinquent, and for want thereof on his body, in which case the officer shall commit him to jail, there to be kept until such fine, with lawful fees for warrant and service and jail fees, be paid, not exceeding, however, a period of ten days.

SEC. 6. In making out such charter, the secretary, under direction of the governor, shall be authorized to fill the blanks therein according to the circumstances of each case; and such charter shall have the same effect as if specially granted by the general assembly, and may be given in evidence in the same manner as any other act of incorporation, and the persons named therein and their associates and successors shall be entitled to exercise all the powers therein granted, and shall be subject to all the duties and liabilities thereby imposed, and shall also be subject to all the provisions of this title. Until the time appointed for the annual election by any company organized under the provisions of this chapter, the governor may appoint and commission such officers as he may think necessary for the well ordering and disciplining of such company.

SEC. 7. Whenever any corps of the active militia shall be destitute of commissioned officers, or shall be reduced to a less number than thirty active members, it shall be the duty of the major-general to order an examination to be made into the state of the com-

pany, and to report thereon to the governor, who shall cause the commanding officer of said company to be notified thereof, and if said company shall not, after such notice, fill its ranks to at least forty men, and make return of an election of officers within three months after such report to the governor, then such company shall be disbanded by the governor, unless such company has other privileges secured by charter: *Provided*, that when the charter of any of the present companies of artillery shall be forfeited, and such company or companies be disbanded, no such charter shall be revived or other companies of that arm be organized, until the proportion of artillery shall be reduced to that of one fifth the entire active militia of the state, beyond which in time of peace it shall not be increased.

SEC. 8. Whenever twenty men or more shall have enrolled and equipped themselves, as a volunteer corps, it shall be the duty of the governor to appoint and commission such and so many officers for the same as he may deem necessary, so that the commanding officers of any such corps shall in no case hold a higher commission than that of captain; and all the commissioned officers of every such corps shall be equipped and uniformed as the governor shall prescribe, but such corps shall be composed only of persons enrolled in the militia.

SEC. 9. It shall be the duty of the governor to place every such volunteer corps under the command of the commanding officer of such chartered company as he may select within the brigade, for the purpose of training, disciplining and improving them in martial exercises, at the brigade training hereinafter prescribed; and such volunteer corps shall, for the purpose of such brigade training, be considered as attached to the company of such commanding officer, and shall in all respects during the day of such brigade training be subject to his lawful commands. Notice of the time and place of the brigade training need be given by the commanding officer of said chartered company to the commanding officer of the volunteer company only.

SEC. 10. The members of every such volunteer corps shall train or do military duty according to law, within the meaning of the constitution, and of this title, only on the day of the brigade training, and when attached and commanded as aforesaid: and the certificate or return of the commanding officer of the company to which their corps is attached that they have been enrolled, equipped, and have done duty on the day of the brigade training, according to law, shall alone be sufficient evidence to enable them to vote on account of the performance of military duty.

CHAPTER 233.

OF THE ORGANIZATION OF THE MILITIA, AND HOW OFFICERED.

SECTION		SECTION	
1.	Brigades, their number and constitution.	14.	Officers of chartered or regimental companies.
2.	Commander-in-chief and his aids.	15.	Companies when to constitute a battalion.
3.	Adjutant-general.	16.	Officers of company in such battalion.
4.	Quartermaster-general.	17.	Musicians of infantry company.
5.	Paymaster-general.	18.	Of rifle company.
6.	Commissary-general.	19.	Staff-officers in field, who to obey.
7.	Surgeon-general.	20.	Officer absent, &c., who to succeed.
8.	Judge advocate-general.	21.	Companies attached, without officers; how to be supplied.
9.	Staff, department of the state and their assistants.	22.	Power to detail officer to drill such company.
10 and 11.	Major-general and his staff.		
12 and 13.	Brigadier-generals and staff.		

SECTION 1. The chartered companies in the county of Providence, and all other chartered companies attached to the line, and the enrolled militia in this state, shall be arranged in one division, consisting of five brigades. Persons belonging to either of these classes in the county of Newport, shall constitute the first brigade. Those in the county of Providence, the second brigade; those in the county of Washington, the third brigade; those in the county of Kent, the fourth brigade; and those in the county of Bristol, the fifth brigade.

SEC. 2. The officers and non-commissioned officers of the militia shall be as follows, to wit: the governor, for the time being, shall be captain-general and commander-in-chief; and he shall command, except when the militia shall be called into the service of the United States; and he shall be entitled to appoint his own aids, with the rank of colonel.

SEC. 3. There shall be an adjutant-general, who shall have the rank of brigadier-general. He shall perform the duties of inspector-general, and shall be the chief of the staff department, and all orders to and returns and reports from the other officers of the staff department shall be made through and to him.

SEC. 4. There shall be one quartermaster-general, with the rank of brigadier-general, who shall have the care and custody of all arms, equipments and military property belonging to the state.

SEC. 5. There shall be one paymaster-general, with the rank of colonel.

SEC. 6. There shall be one commissary-general, with the rank of colonel.

SEC. 7. There shall be one surgeon-general, with the rank of colonel.

SEC. 8. There shall be one judge advocate-general, with the rank of colonel.

SEC. 9. The officers named in the six sections next preceding, shall be attached to the staff of the commander-in-chief, and shall constitute the staff department of the state, and may each, with the approval of the commander-in-chief, appoint two assistants, who shall have the rank of captain.

SEC. 10. There shall be one major-general, who shall command the division. He shall appoint his own aids, not exceeding two, who shall have the rank of major. The other officers of the staff of the major-general shall be one division inspector, who shall be adjutant-general of the division and shall have the rank of colonel, and one quartermaster, with the rank of major.

SEC. 11. There may also be, when the exigencies of the service require it, of which the commander-in-chief shall be the judge, one paymaster, one commissary, one surgeon, one judge advocate, each with the rank of major.

SEC. 12. There shall be to each brigade one brigadier-general, who shall command the brigade for which he is elected. He shall appoint one aid, with the rank of captain. The other officers of the staff of each brigadier-general shall be one brigade major and inspector, with the rank of major, who shall perform the duties of adjutant-general of the brigade, and one brigade quartermaster, with the rank of captain.

SEC. 13. There may also be, when the exigencies of the service require it, of which the commander-in-chief shall be the judge, to each brigade, one paymaster, one commissary, one surgeon, one judge advocate, each with the rank of captain.

SEC. 14. The officers of each chartered company shall be one colonel, one lieutenant-colonel, one major, one captain, one lieutenant, who shall be line officers; and there may be one adjutant, one quartermaster, one paymaster, one commissary, one surgeon, one assistant surgeon, each with the rank of lieutenant, who shall be the staff-officers of such company. The commander of such company may, in his discretion, appoint a chaplain, a sergeant major, one sergeant quartermaster, one drum major, one fife major. Each company shall have such non-commissioned officers as may be necessary, who shall be appointed by the commander thereof.

SEC. 15. The commander of each company, when the active roll of such company shall be sufficiently large, or when it is increased by enlistments, drafts or volunteers, may divide his command into companies of not less than sixty privates to each company; and in such case, his command shall constitute a battalion or regiment, as the case may be.

SEC. 16. Each company of such battalion or regiment shall have one captain, one first lieutenant, one second lieutenant, one third lieutenant, five sergeants and four corporals.

SEC. 17. Each infantry company and artillery company armed as infantry, may have one drummer and one fifer.

SEC. 18. Each rifle company may have two buglers; each cav-

alry and light artillery company may have one saddler, one farrier and two trumpeters; each artillery company three or more drivers.

SEC. 19. When serving in the field with troops, in the absence of the commander-in-chief, all officers of the staff department shall be subject to the orders of the office of the line highest in rank commanding the troops assembled.

SEC. 20. Whenever any office of the line or staff is vacant, or such officer be sick or absent, the duties of such officer shall be performed by the officer next in rank in the line or in the department of the staff, until the vacancy be filled, or the disability be removed: *Provided*, that the commander-in-chief may appoint some person to fill any vacancy until the same shall be filled by a regular election or appointment.

SEC. 21. Whenever a company, belonging to a chartered company, filled up by drafts or levies shall have neither commissioned nor non-commissioned officers, the commanding officer of the battalion or regiment to which such company belongs, shall appoint suitable persons of said company to be non-commissioned officers of the same; and the senior non-commissioned officer of a company without officers shall command the same, except upon parade, and except as provided in the following section.

SEC. 22. Whenever any such company shall, from any cause, be without officers, the commanding officer of the battalion or regiment to which such company belongs, may detail some officer of the staff, or of the line of the regiment, to train and discipline said company, until some officer shall be elected or appointed, and such officer so detailed, shall have the same power and authority, and be subject to the liabilities, as if he were captain in said company; and he shall keep the records of the company.

CHAPTER 234.

OF THE ELECTION, APPOINTMENT, COMMISSIONS, WARRANTS AND OATH OF OFFICERS.

SECTION

1. General staff, how elected.
2. Major-general, how.
3 and 4. Brigadier-generals, how.
5. Staff-officers in general, how.
6. In case no nomination, &c., for an office, what.
7. Commission officers of company, how elected and approved.
8. How commissioned and engaged.
9. Officers of companies composed of drafts, &c., into regimental companies, how appointed.
10. Commission officers, who, and commissions, how signed, &c., and for what term.
11. Warrants of non-commissioned officers, by whom granted.
12. Tenure of office of aid.
13. Tenure of office, of staff-officers in general.
14. Tenure of office, of officers of volunteer companies attached.
15. Tenure of office, of officers of chartered companies.
16. Commission officers, how to take rank.
17. Of date of commission.

SECTION
18. Commission lost, to be supplied.
19. Commissions, by whom to be delivered.
20. Officers, other than of chartered companies, how to be notified of appointment, and give notice of acceptance.
21. Oath of commission officer, what, and how taken and certified.

SECTION 1. The adjutant-general, quartermaster-general, commissary-general, paymaster-general, surgeon-general and judge advocate-general shall be elected by the general assembly in grand committee.

SEC. 2. The major-general shall be elected by the general assembly in grand committee, on the nomination of the brigadier-generals or other officers commanding brigades.

SEC. 3. The brigadier-generals of brigades shall be elected by the general assembly in grand committee, on the nomination of the officers of the line of the brigades of such general.

SEC. 4. If at any time any chartered company not attached to the line, shall accept the provisions of this title, which acceptance shall be irrevocable, and notify the adjutant-general thereof, such company shall thenceforth be attached to the line; and the commission of the brigadier-general of the brigade in which such company is located shall be immediately declared vacant, and a new election shall be had upon the nomination of the proper officers, as herein provided.

SEC. 5. The officers, except aids, composing the staffs of the major-general and brigadier-generals, commanding brigades, shall be appointed by the commander-in-chief, on the nomination of the generals respectively.

SEC. 6. If any person shall be nominated for any military office, and such nomination be an improper one, or the commander-in-chief shall disapprove the same, or if no nomination shall be made, the general assembly may elect or the governor appoint, as the case may be, some suitable person to such office.

SEC. 7. Immediately after the election of commission officers by a company, the superior officer of the company for the time being shall make return of the persons chosen to the places of officers of the line, to the governor and senate, or to the brigadier-general of their brigade, and to the governor, for their approval; and if they or any of them are disapproved, said officer shall call said company together as soon as conveniently may be, and a new election shall be had for such officer or officers as shall be disapproved: *Provided*, that nothing in this section contained shall be construed to impair rights expressly vested by any military charter.

SEC. 8. Such officers, when approved, shall be commissioned and engaged as other militia officers.

SEC. 9. Whenever any chartered company is filled up, by drafts or otherwise, to a regiment, it shall consist of eight companies of sixty men each, and the commander-in-chief shall have power to appoint a sufficient number of commissioned officers therefor, from such chartered companies.

SEC. 10. All officers of and above the rank of lieutenant shall

receive commissions, which shall be signed by the commander-in-chief, and countersigned by the secretary of state, and shall be for the term of five years, and until others are elected or appointed and qualified to act in their places, except as is hereinafter provided.

SEC. 11. All non-commissioned officers shall receive a warrant from the commandant of the chartered company to which they belong, and the non-commissioned officers of companies composing a regiment or battalion shall receive a warrant from the commanding officer of such regiment or battalion.

SEC. 12. The aids of the governor shall hold their commissions only for the term of office of the governor by whom they were appointed. The aids of the major-general and of the brigadier-generals of the line shall hold their commissions only for the term of office of the generals by whom they were appointed.

SEC. 13. The other officers of the staff of the respective brigadier-generals commanding brigades, shall hold their office for the term of office of the general by whom they were nominated, and until their successors are appointed and qualified to act.

SEC. 14. The officers of the volunteer companies attached to chartered companies at any brigade training, shall hold their offices for a period of not more than six months during the pleasure of the governor; but such officers shall not, by reason of having held such commissions, be able to claim any exemption from military duty, or from future drafts upon the militia.

SEC. 15. The officers of chartered companies shall hold their offices as by their charter provided.

SEC. 16. All commissioned officers of the same grade shall take rank according to the respective dates of their commissions; and when two or more of the same grade bear an equal date, their rank shall be determined by lot, to be drawn by them before the commanding officer of the division, brigade, chartered company or detachment, or the president of a court-martial, as the case may be.

SEC. 17. The day of election or appointment of any officer shall be set forth in, and be the date of his commission; and whenever he shall be transferred to another corps or station of the same grade, the date of his original commission or appointment of the same grade, shall be the date of his commission, regard being had to continuous service in such grade.

SEC. 18. Whenever any officer shall lose his commission, he shall be entitled to a duplicate commission of the same grade and date, on his affidavit made before a justice of any court in this state, on application to the commander-in-chief.

SEC. 19. All commissions shall be delivered to the adjutant-general, and by him to the persons for whom they are intended.

SEC. 20. Upon the appointment of any officer other than officers of chartered companies, notice in writing, by mail, shall be given to the person so appointed, by the adjutant-general, or in such manner as the appointing power may direct, and such person so appointed shall, within twenty days thereafter, accept such ap-

pointment, and communicate the same to the adjutant-general, or shall be considered as having declined.

SEC. 21. Each commissioned officer, before he shall enter on the discharge of the duties of his office, shall take and subscribe the following oath and declarations, before some justice of the peace, or other magistrate, or town clerk, and on the back of each commission the following form of the oath shall be printed, to wit: "I, do solemnly swear, (or affirm,) that I will bear true faith and allegiance to the state of Rhode Island and Providence Plantations; that I will support the constitution and laws thereof, and the constitution and laws of the United States; and that I will faithfully and impartially discharge all the duties incumbent on me as to the best of my abilities and understanding, according to the laws of this state, and of the United States; so help me God." (Or, "this I promise on the pains and penalties of perjury.") On the back of each commission the following form of certificate shall be printed, and signed by the person before whom such officer shall be qualified, to wit: "This may certify that commissioned within named, appeared before me this day of , A. D. , and took and subscribed the oath and declarations prescribed by the laws of this state, before me." (Signed, &c.)

CHAPTER 235.

OF ARMS, EQUIPMENTS, MILITARY BOOKS AND PROPERTY.

SECTION

1. Arms and equipments of non-commissioned officers and privates.
2. Uniform of, and uniform and arms of commission officers.
3. Arms and equipments of chartered companies of light infantry, grenadiers and riflemen, how supplied, and to be kept.
4. Inspection of armories of.
5. Armory of company, formed from members in different towns, where to be established.
6. Field artillery, ordnance, &c., how to be furnished to artillery companies, and who accountable for.
7 and 8. Arms and equipments of mounted officers, how supplied.

SECTION

9. Books of tactics, &c., under whose charge.
10. To whom to be issued.
11. How to be receipted and accounted for.
12. New levies in time of war, &c., how to be equipped and furnished.
13. Uniform of chartered companies.
14. General officers of line, and staff-officers in general how to be uniformed and equipped.
15. Exemption of uniform, arms, &c., from attachment, levy, &c.
16. Cavalry horses, how to be exempt from attachment, levy, &c.
17. Bond and compensation of military accounting officers.

SECTION 1. No person shall be deemed to be equipped for military duty within the meaning of the constitution or of this title, unless, if a non-commissioned officer or private of a cavalry corps, whether

chartered or volunteer, he shall be provided with a serviceable horse, at least fourteen hands and a half high, with a good saddle, bridle and crupper, holsters, boots and spurs, sabre, belt and pistols; if a non-commissioned officer or private of an artillery or infantry corps, whether chartered or volunteer, with a good musket, carrying eighteen balls to the pound, with cartridge-box, capable of containing at least twenty-four cartridges, suited to the bore of his musket, bayonet sheath, priming wire and brush, or instead thereof with a good rifle, knapsack, shot-pouch, and powder-horn or flask, or in case of a non-commissioned officer or private of an artillery corps, whether chartered or volunteer, with a good sword and belt.

SEC. 2. The uniform of his corps shall form a necessary part of the equipment of every commissioned or non-commissioned officer or private of a chartered company or regiment, and the uniform and arms prescribed by the governor, of the equipment of every commissioned officer of a volunteer corps, and of every commissioned officer of the line and staff.

SEC. 3. Each chartered company of light infantry, grenadiers and riflemen, raised at large, shall be furnished with muskets or rifles, and every such company of cavalry, with sabres, belts and pistols, and every such company of artillery with muskets if applied for, and with swords and belts, on application to the quartermaster-general, and on delivering to him a sufficient bond, signed by the officers of such company, for the safe-keeping and return of the same when required by the commander-in-chief, and producing to him satisfactory evidence that a suitable armory or place of deposit for such muskets or rifles has been provided in the town or city within which said company is situated; which arms so furnished shall be carefully kept for the use of such company for military purposes only.

SEC. 4. The commander-in-chief may, from time to time, require any officer to examine the armory or place of deposit provided as aforesaid, and report to him the condition thereof, and of the arms therein deposited.

SEC. 5. Whenever any arms are furnished as aforesaid, to any company formed from different towns, the same shall be deposited in the town within which the greatest number of said company may vote to establish their armory or place of deposit.

SEC. 6. Each company of artillery shall be provided by the quartermaster-general, or officer acting as such, with two good brass field pieces, of such calibre as the commander-in-chief shall direct, with carriages and apparatus complete; with an ammunition cart, forty round shot, forty rounds of canister shot, tumbrils, harness, implements, laboratory and ordnance stores, which may, from time to time, be necessary for their complete equipment for the field; and a quantity of powder, annually, not exceeding one hundred pounds, to be expended on days of inspection and review, and in experimental gunnery; and the commanding officer of each company shall be accountable for the preservation of the pieces, apparatus and ammunition aforesaid, and for the proper expenditure of the ammunition.

SEC. 7. Each mounted officer shall be furnished with such arms and horse equipments as are suitable to his rank, on application to the quartermaster-general, and on delivering to him a sufficient bond, signed by the officer receiving the same, for the safe-keeping and return of the same when required by the commander-in-chief.

SEC. 8. The quartermaster-general shall be required, on such application, to issue only such arms and horse equipments as may be in his possession belonging to the state: *Provided*, that with the approval of the commander-in-chief, he may purchase such arms and horse equipments as he may be called on to furnish, and the paymaster-general shall, upon the order of the commander-in-chief, pay the sums necessary therefor.

SEC. 9. All books of tactics deposited with the state by the government of the United States, all books purchased by this state for the use of the militia of the state, and all other military books belonging to the state, shall be under the charge and control of the adjutant-general.

SEC. 10. The adjutant-general shall issue one copy of all books of tactics to each general and staff-officer, except officers of companies; one copy to each company of such book of tactics as may be suitable to the arm of service to which such company belongs, or to the arm with which such company is furnished; and one copy of all other books which may be furnished by the state, and all necessary blanks to each commissioned officer.

SEC. 11. Such books and blanks shall be receipted for by each officer receiving the same, to be held and accounted for by him as public property; and no resignation shall be accepted until such books and all other public property delivered to such officer shall be delivered to his successor, or to the adjutant or quartermaster-general, or satisfactorily accounted for, and double the value of such books or other property may be recovered of any such officer, his executors or administrators, in an action of the case, in any court of this state competent to try the same, at the suit of the adjutant-general.

SEC. 12. In case of new levies in time of war or insurrection, the commander-in-chief shall arm, equip and furnish them out of the state's arsenal.

SEC. 13. Every chartered company shall have an appropriate uniform.

SEC. 14. Every general officer of the line, and every officer of the staff, other than the staff-officers of chartered companies, shall provide himself within sixty days after he shall have been notified of his appointment, with a good sword and belt and a uniform complete, which shall be such as the commander-in-chief shall approve; and in case of neglect to comply with the provisions of this section by any officer, such office is hereby declared vacant.

SEC. 15. Every officer, non-commissioned officer, and private, shall hold his uniform, arms, ammunition and equipments free from all suits, distresses, execution or sales for debts or taxes, and the arms, equipments, uniforms and other military property belonging to any chartered company, and which may be necessary for the

military purposes of their organization, shall be in like manner free and exempt.

SEC. 16. If any officer of and above the rank of major, every officer of the general, division or brigade staff, any adjutant of company, or any member of a cavalry or artillery company, shall own a suitable cavalry horse, and shall use such horse at all the parades required by law, not less than three in each year, and shall cause him to be described and enrolled in a book to be kept for that purpose by the clerk of the town in which such officer or member resides, such horse, when so enrolled, shall be exempt from all suits, distresses, executions, taxes and sales for debts and taxes while such officer continues in commission, or while such member of a company continues a member of such company.

SEC. 17. The paymaster-general and all other officers commissioned under this title, into whose hands shall be placed public moneys or other public property, to the amount of more than five hundred dollars, shall give bond for the faithful discharge of the duties of their respective offices, in such form and in such amount as may be required by the commander-in-chief; and such compensation shall be made to such officers for the care of such property, or the disbursement of such moneys, as a board of officers shall prescribe.

CHAPTER 236.

OF DISCIPLINE, INSPECTION, TRAINING AND REVIEW.

SECTION
1. System of discipline and field exercise, what.
2. Inspection and drill of chartered companies, when and what.
3. Time and place of brigade training, how appointed.
4. Brigade trainings of chartered companies, and of division of brigades.
5. Rank of brigades and companies in the field.
6. Power to fix and guard limits of parade ground.
7. Power to abate gambling and drinking booths within three miles of encampment or training field.

SECTION
8. Duty of brigadier-generals and brigade inspectors and quartermasters at brigade inspections and reviews.
9. Arms, not to be shotted, &c., on parade.
10. Exemption from military duty on election days.
11. Power of companies to meet for drill, funerals, &c.
12. Orders, by whom to be distributed.
13. Power of commander-in-chief to order out militia.
14. Exemption of officers and privates from arrest, when under orders.

SECTION 1. The system of discipline and field exercise, from time to time ordered for the army of the United States, shall be the system of discipline and field exercise for the militia of this state.

SEC. 2. Each commanding officer of a chartered company shall

order out his company on some day in May, annually, at nine o'clock in the forenoon, for inspection and drill, and shall keep his company under orders at least until four o'clock, P. M., and longer if he deems it necessary; and he shall inspect, examine, and take an exact account of the equipments of his men, note all the delinquencies of appearance and deficiencies of equipments, and correct his roll, in order that a thorough inspection may be made of all the active militia in this state; and every commanding officer of a company shall faithfully train and discipline his company on said day, as well as inspect them.

SEC. 3. The active militia of this state shall, in the month of September or October of each year, meet by brigade, for the purpose of training, disciplining and improving them in martial exercises; the places of brigade rendezvous shall be appointed by the brigadier-general, and the days of the brigade rendezvous by the major-general.

SEC. 4. The trainings above mentioned are to be included in the number of trainings prescribed by the charters of the companies: *Provided*, that the major-general shall have power to divide any brigade, for the purpose of the brigade training, in such manner as, from their position, the convenience of the companies therein may from time to time require.

SEC. 5. Each brigade, when in the field, shall take rank according to its number, beginning at the lowest number as highest in rank; and each company shall form according to the rank of the officers present commanding them, having due regard to the arm of the service to which said corps belong; and when such company is filled up by drafts or levies, according to the number of each regiment; and when distinct corps shall parade, join, or do duty together, the senior officer present shall command without regard to corps.

SEC. 6. Every commanding officer, when on duty, is hereby authorized to ascertain and fix necessary bounds and limits to his parade, not including any road on which people travel, so as to obstruct the same or prevent their passing, for more than two consecutive hours, within which no person shall have a right to pass or enter, without leave from such commanding officer; and the commanding officer of any division, brigade, battalion, regiment or company may put under guard every person who shall encroach upon the parade ground, and also any spectator or bystander who shall abuse, molest or strike any one when on parade or under arms.

SEC. 7. The mayor and aldermen of any city, the sheriff and deputy sheriffs of any county, the town sergeants and the constables of any town, or either of them, on complaint made to them under oath, that the complainant has reason to believe and does believe, that any booth, shed or temporary erection, situated within three miles of any military encampment or training field, is used and occupied for the sale of spirituous or fermented liquors, or for the purpose of gaming for money or other property, shall, if they consider the complaint well founded, order the owner or

occupant thereof to vacate and close the same immediately; and if the owner or occupant shall refuse or neglect so to do, the said mayor or aldermen, the sheriff or deputy sheriffs, town sergeants or constables or either of them, shall forthwith abate such booth, shed, or other temporary erection, as a nuisance, and pull down or otherwise destroy the same, in any manner they may choose, or through the agency of any force, civil or military, which they may see fit to employ.

SEC. 8. The brigadier-generals, brigade inspectors, and brigade quartermasters, shall attend the inspections and reviews of their respective brigades; shall inspect their arms, ammunition and equipments; superintend their exercises and evolutions, and introduce and enforce the system of discipline required by law and by the orders of the commander-in-chief.

SEC. 9. No non-commissioned officer or private shall unnecessarily, or without orders from his superior officer, come on to any place of parade with his musket, rifle or pistol loaded with balls, slugs, shot or other dangerous substance, or shall so load the same while on parade.

SEC. 10. No officer, non-commissioned officer or private, shall be compelled to do military duty on any day appointed for town, city or ward meetings, or for the election of any civil officer, in the town or city in which he shall reside, unless it be in the case of invasion, insurrection, riot or tumult threatened.

SEC. 11. Nothing herein contained shall prevent any company from meeting at any time for drill, funeral or any other voluntary duty, nor to impair the corporate privileges of any chartered company, nor any lawful articles of agreement adopted by any company, so far as relates to those who have voluntarily signed the same, not inconsistent herewith.

SEC. 12. All general orders shall be distributed by the adjutant-general; all division orders, by the division inspector; all brigade orders, by the brigade major; all orders of a chartered company, by the adjutant; and company orders, by any non-commissioned officer or private, when required by the commanding officer: *Provided*, that if either of these officers shall be sick, absent or unable to distribute such orders, or either of such offices shall be vacant, the orders may be distributed by any other officer detailed for that purpose by the officer issuing the orders.

SEC. 13. The commander-in-chief shall have power to order out the whole, or any part of the militia, as may seem to him expedient, for review, the performance of escort, and other duties.

SEC. 14. No officer, non-commissioned officer or private shall be arrested on any civil process on the day before or the day after or the day upon which, by his superior officer, he shall have been ordered to attend, for the election of any military officer, or the performance of any military duty.

CHAPTER 237.

OF ROLLS AND RETURNS.

SECTION
1. Company roll and orderly book by whom and how kept.
2. Return by commander of company, of military duty of members.
3. Report by inspectors, of men and arms of division and brigades.
4. Reports of adjutant-general.
5 and 6. Returns for pay of members, by commanders of companies to paymaster-general.
7. Like returns by other officers.
8. Returns for pay by governor, officers of general staff, general officers of line and treasurers of bands.
9. Returns for pay by commanders of companies and treasurers of bands, how to be made.
10. Blank forms for returns, how to be furnished and explained.

SECTION 1. A fair and correct roll of each company shall be kept by the adjutant, with the state of the arms and equipments belonging to each man; and said officer shall keep an orderly book of all orders received or issued, and all accounts of all fines, from whom received, and when and for what cause.

SEC. 2. Each commanding officer of a company shall, on or before the fifteenth day of November in each and every year, make out a fair and correct roll of his company, containing the christian name and surname of all the men belonging thereto, or to any volunteer corps attached thereto, alphabetically arranged, and place opposite the name of each, the equipments and the quality of equipments of each, whether good or bad, and which of said men had done military duty within the year, for one or more days, and on what days, and at what trainings; and shall, on or before said fifteenth day of November, deliver the same to the brigade inspector of the brigade in whose limits said company is located.

SEC. 3. The brigade inspectors shall make a report of the condition of their respective brigades to the division inspector, on or before the first day of December of each year, and the division inspector shall report to the adjutant-general the condition of the division, on or before the twentieth day of December in each year, and such reports shall state the number of men inspected, to what companies, regiments or brigades they belonged, and what was the kind, number and quality of their arms and equipments of every nature, designating what part is the property of the state, and what the property of each officer, soldier or company.

SEC. 4. The adjutant-general shall make duplicate abstracts of the active militia, one to be delivered to the commander-in-chief, who shall present the same to the general assembly, and the other to be delivered, in the month of January, to the major-general.

SEC. 5. Each commanding officer of a company shall make re-

turn for pay, under oath, to the paymaster-general, on or before the first Monday of January in each year, of the names of all persons borne on the rolls of his company who shall have been duly equipped and performed military duty in the field, according to law, and of all horses used and employed in the militia for two or more days in the year preceding the return. The members of any volunteer company attached to his command shall not be included in such return.

SEC. 6. Such returns shall specify the number of days' regular service performed, and when more than four days in such year shall have been rendered, the additional duty shall not appear on such return, unless it shall have been rendered by order of the governor.

SEC. 7. Like returns for pay shall be made by the officers hereinafter authorized to make the same; and the words "with horse" shall be placed against the name of any officer, non-commissioned officer or musician, who shall have been required to be mounted, and mounted while performing duty on the days for which such return shall be made.

SEC. 8. Such returns for pay shall be made for the governor and his aids, by the governor; for the major-general and his staff, by the major-general; for the brigadier-generals commanding brigades, and their staffs, by each brigadier-general; and for the band, by its president or treasurer.

SEC. 9. The commanding officer of each company will include in his return the number of musicians by him employed, not exceeding two to each company, who shall have performed service with such company, one or more days, not exceeding four, except for special service ordered by the governor. The commanding officer of every artillery company will state in his return, the number of horses necessarily used by him for the draft pieces, caissons or baggage wagons for which he is entitled to draw pay. The president or treasurer of the band will not return more than sixteen musicians for pay, for services performed upon any one day.

SEC. 10. The adjutant-general shall furnish blank forms of rolls, and of the various returns that may be required, at the expense of the state; and explain the principles on which they are to be made out; and the roll shall be kept as prescribed.

CHAPTER 238.

OF DRAFTS, AND CALLING THE MILITIA INTO SERVICE.

SECTION
1. Order for draft or levy in time of war, &c., by whom, and how, to be made and directed.
SECTION
2. By whom, and how, to be executed.
3. Power of commander-in-chief and major-general to call out militia in

SECTION
time of war, &c., and troops in field in case of, how to be commanded.
4. Of subjection to articles of war, and mode of drafting of men, and detail of officers.
5. Companies, drafts, &c., without officers, ordered to march, how to be commanded.
6. Duty of officers and soldiers ordered to march.
7 and 8. Power to call out militia in time of tumult, riot, &c., by whom, and how to be exercised.

SECTION 1. In case of war, invasion, threatened invasion or insurrection, if the commander-in-chief shall deem it necessary to increase the active militia of this state, he shall have power to order a draft or levy to be made from the enrolled militia in any town or city, into any or all of the chartered companies thereof, of such number of men as he may judge the exigency of the case requires, or if there be no chartered company in such town or city, may order them into any of the chartered companies of the brigade, in the limits of which such town or city may be situated, directing his order therefor to the town council of the town, or to the mayor and aldermen of the city in which such draft is to be made.

SEC. 2. Whenever such order is made and directed as aforesaid, it shall be the duty of the town council, or mayor and aldermen, to appoint a time and place of parade for the enrolled militia in each town or city, and to order them to appear at the time and place, either leaving a written notice or orally, and then and there proceed to draft as many thereof, or to accept as many volunteers, as is required by the commander-in-chief; and the mayor and aldermen, or town council, shall notify the commander-in-chief forthwith that they have performed the aforesaid duty.

SEC. 3. Whenever any invasion of the state, or any insurrection, riot or tumult shall be made in any part of the state, the commander-in-chief shall call out the militia, or any part thereof, as he may deem expedient or necessary to suppress or repel the same; and he may order out the division or any brigade, brigades, chartered companies, regiments, companies or company, or any portions of the same, or cause any number of men to be detached or drafted from them, and cause officers to be detailed, which, with those attached to the troops, shall be sufficient to organize the forces; and if such invasion or insurrection, or any imminent danger thereof, be so sudden in any part of the state, that the commander-in-chief cannot be informed, and his orders received and executed in season to suppress or repel the same, the major-general may order out the division, or any part thereof, as the commander-in-chief might do; and when any troops are in the field for such purposes, the senior officer of said troops, present, shall command until the commander-in-chief, or some officer detailed by him, shall appear to take the command.

SEC. 4. Whenever the military force of this state, or any part thereof, shall be called into actual service, it shall be subject to the articles of war prescribed by congress for the government of the troops of the United States, or such other articles as shall be pre-

scribed by the general assembly; and when any draft from the militia into the service of the United States shall be ordered, the non-commissioned officers and privates, except so many as shall voluntarily offer to serve, shall be drafted by lot from the company, and the officers detailed from the roll.

SEC. 5. If any company without officers be ordered to march, or any draft or detachment therefrom ordered, the commanding officer of the regiment to which said company belongs shall detail some officer to command them, who shall have the same authority to command them to appear, and to command them in the field, and to make any draft or detachment therefrom, as though he were captain of said company, and shall have the same responsibility.

SEC. 6. Every officer who, when ordered to march to the place of rendezvous, shall unnecessarily neglect to do so, or who shall otherwise disobey any lawful order, shall be punished as is hereinafter provided; and every soldier ordered out, drafted or detached, who shall not appear at the time and place appointed, armed and equipped as commanded, shall be punished as hereinafter provided; and each non-commissioned officer and private shall take with him provisions for at least three days, when so ordered.

SEC. 7. When in any county in this state, there shall be any tumult, riot, mob, or any body of men acting together, with intent to commit felony, to offer violence to persons or property, or in any other way to resist the laws of the state by force of arms, or by violence, or when any of said acts shall be threatened, and the fact made to appear to the commander-in-chief, or to the sheriff of said county, or to either of the justices of the supreme court or if in any city, to the mayor of such city in the first instance, or in his absence, to the board of aldermen, the commander-in-chief shall issue his order, or such justice, sheriff, mayor or board of aldermen, shall issue his or their precept, properly signed, directing the commanding officer of the division, brigade, or chartered company, as the case may be, to order out his command, or any part of the same, to suppress such riot, tumult or mob, and to prevent the perpetration of any such felony, or act of unlawful violence.

SEC. 8. The officer to whom any such order or precept shall be directed, as named in the foregoing section, shall forthwith order out the troops therein required, to parade at the time and place appointed; and if he shall refuse to obey such order or precept, or if any officer under his command shall refuse to obey an order issued under such order or precept, he shall be punishable as hereinafter in this title provided; and any non-commissioned officer or private who shall neglect or refuse to appear at the time and place of parade, or to obey any lawful order issued in such case, shall suffer the penalty hereinafter in this title provided.

CHAPTER 239.

OF EXEMPTIONS BY BODILY INFIRMITY, AND OF DISCHARGES.

SECTION.
1. Duty of surgeons and physicians in granting certificates of inability for service.
2. Members of chartered companies, upon what certificate of inability, and by whom to be excused.
3. Honorable discharges of non-commissioned officers, privates, &c.
4. Of members of chartered companies.
5. By whom to be granted, and effect of.
6. Members of volunteer corps attached, excepted from.
7. Honorable discharges of commissioned officer, when and by whom granted, and effect of.
8 and 9. Resignations of officers, how approved, certified and allowed.
10. Power of commander-in-chief to revoke commissions.
11. Effect of revocation, if officer demands court-martial.
12. Duty to transmit demand to commander-in-chief, and his duty thereupon.
13. Power of commandants of chartered companies, battalions, &c., to revoke warrants of non-commissioned officers.

SECTION 1. No surgeon or assistant surgeon, nor any physician shall take any gratuity whatsoever from any person, for a certificate of inability to perform military duty on account of bodily infirmity; and it shall be the duty of such, to examine critically the cases of all applicants for such certificates, and not to grant any certificate for bodily infirmity or inability, unless such infirmity or inability be, beyond all doubt, such as to render the applicant unable to perform military duty; and any surgeon or physician, who shall violate the provisions of this section, shall be liable to be punished as hereinafter provided.

SEC. 2. Whenever any regiment or chartered company may be without a surgeon or assistant surgeon, or when any person may claim to be exempt from military duty by reason of bodily infirmity or disability, and shall not reside within ten miles of the surgeon or assistant surgeon of the regiment, any respectable physician within said distance, may grant him a certificate, subject to the restrictions contained in the preceding section; and the commanding officer of any company is authorized to exempt any person of his company from military duty on the presentation of such certificate from the surgeon or assistant surgeon, or a physician as aforesaid, either for a longer or shorter period, not exceeding one year, as in the judgment of the commanding officer, the case may demand.

SEC. 3. Every non-commissioned officer, private, musician and driver of any company who shall have done duty therein according to law for the term of seven years, from the time of his enlistment, and shall have received an honorable discharge, shall not be compelled to do duty in the militia, except in time of war or invasion, or to prevent an invasion, or of insurrection, riot or tumult.

SEC. 4. Discharges shall not be granted to any member of a chartered company unless such member shall have served five

years in the active militia, or shall have received a military commission, or a certificate of disability from the surgeon of the company approved by the surgeon of his brigade, or shall be expelled by a vote of the company in accordance with its by-laws.

SEC. 5. Such discharges upon the completion of either of the terms of service aforesaid, when granted, shall be given by the commanding officer of the brigade, upon the application of the commanding officer of the company to which such private or non-commissioned officer may belong: *Provided*, that the governor may grant a discharge to any person in his discretion; and provided further that if any member of any company at the expiration of the service of seven years mentioned in the third section of this chapter; or any commissioned officer who may have held a commission for five years or been superseded without his consent in such commission, who shall not elect to retire from such company, shall be considered an active member of such company, liable to all the duties of other active members until discharged therefrom, in accordance with the provisions of the by-laws of such company.

SEC. 6. Nothing in the preceding three sections contained shall be construed to apply to the members of a volunteer corps raised and attached under the provisions of this title.

SEC. 7. Any officer who shall have holden any commission or commissions in the militia of this state during the term of five years in succession, and faithfully performed the duties of the same, shall be honorably discharged, on his application to the commander-in-chief, and shall for ever after be exempt from the performance of military duty, except in time of war, invasion of, or insurrection, riot or tumult within this state; and no officer shall be discharged, unless on his own application, or unless in cases hereinafter provided.

SEC. 8. All resignations shall be in writing, and shall be approved and certified as follows: The resignation of the major-general and of any officer attached to the governor's staff, shall be made to and approved by the commander-in-chief; the resignation of a brigadier-general or of any officer attached to the staff of the major-general, shall be approved by the major-general; the resignation of a field officer and of any officer attached to the staff of the brigadier-general, shall be approved by the brigadier-general of the brigade to which such field or staff-officer belongs, and by the major-general; and the resignation of a captain or subaltern officer shall be approved by the commanding officer of the chartered company or regiment to which such captain or subaltern shall belong or be attached and by the brigadier-general of his brigade and by the major-general.

SEC. 9. The major-general, brigadier-general or commanding officer of a chartered company or regiment who shall approve of any resignation aforesaid, shall certify the same, through his immediate superior, to the commander-in-chief, who shall have the power to allow or disallow thereof at his discretion; and no officer shall be considered as having resigned his commission un-

less the same shall have been approved and certified as aforesaid and allowed by the commander-in-chief.

SEC. 10. The commander-in-chief may revoke and cancel the commission of any officer and discharge him from the service, in his discretion.

SEC. 11. Such revocation, cancellation and discharge shall not be effectual, if within ten days after receiving notice thereof such officer shall demand of his immediate superior to be informed of the cause thereof and to be tried by a court-martial.

SEC. 12. If such demand be made, it shall be the duty of the officer on whom it is made, to transmit the same to the commander-in-chief, who shall give such officer the required information and see that charges are duly preferred, and that a court-martial be convened to try the same.

SEC. 13. Commandants of chartered companies, battalions and regiments are authorized, in their discretion, to revoke the warrant of any non-commissioned officer.

CHAPTER 240.

OF PAY.

SECTION
1. *Per diem* pay for field duty to men.
2. For horses.
3 and 4. For musicians.
5. Pay in case militia ordered out by governor, and for how many days in each year to be made.
6. Pay, when to be made.
7. How to be drawn and made.

SECTION 1. Each person borne on the roll of the active militia of the state, who shall have performed field duty in each year one or more days, shall receive one dollar and fifty cents for each day's service he shall perform.

SEC. 2. There shall be paid to each general and staff-officer who shall be mounted, and to each member of a cavalry company, and to each mounted officer, non-commissioned officer, and musician of each artillery company for all horses used for the draft of pieces, caissons or baggage wagons, two dollars per day for each horse necessarily used by them or either of them on field duty in each year one or more days, for each day's service such horse shall perform.

SEC. 3. There shall be paid to each infantry, rifle, and artillery company, two dollars a day for each musician by them employed not exceeding two to each company, who shall perform service with such company one or more days for each day's service.

SEC. 4. There shall be paid to each musician of a band employed in any escort or other military duty ordered, two dollars per day for each musician so employed: *Provided*, that there shall not be more than one band, and not more than sixteen musicians to such band.

SEC. 5. In case the militia, or any part thereof, shall be ordered out by the governor for escort or other duty, the payments herein prescribed shall be made for the duty performed as hereinbefore provided: *Provided*, that no payment shall be made to any individual of either of these classes for less than two or more than four days in each year, except for such additional day's service as the governor may require to be performed.

SEC. 6. All payments prescribed in this chapter shall be made on or before the last day in the month of January in the year next succeeding the year in which said services were rendered.

SEC. 7. The paymaster-general, upon receiving the returns for pay required by the fifth, sixth, seventh, eighth and ninth sections of chapter two hundred and thirty-seven, shall forthwith draw from the general treasury a sum or sums adequate to pay for military services proved thereby, and pay the same to the respective officers who have made such returns, who shall forthwith pay over the amount so by them received, to the persons entitled thereto.

CHAPTER 241.

OF FINES AND PENALTIES.

SECTION
1. Offences of general, field, commissioned and staff-officers and surgeons, penalties for, and how collected.
2. Imprisonment for, by what process, how to be executed.
3. Offences of non-commissioned officers and privates, how punished, punishment how enforced.
4. Ordinary fines for non-attendance, &c., how regulated and collected.
5. Fine for non-attendance at brigade training, &c., what, and how recovered.
6. Neglect of non-commissioned officer to appear when drafted or ordered out in case of war, &c., how punished.
7. Neglect of assessor of taxes to prepare and deliver roll, how.
8. Neglect of town clerk to record and return roll to brigade inspector, how.
9. Persons refusing to give information for enrolment, how punished.
10. Bystanders intruding upon parade grounds, how.
11. Physicians and surgeons taking gratuity for certificate of infirmity, &c., how.
12. Fines, penalties, &c., to whom to be paid, and what fund to constitute.
13. Payments from such fund, upon what requisitions, &c., to be made.

SECTION 1. All offences committed by general, field, commissioned and staff-officers, and surgeons, whether consisting in disobedience of orders, or unofficerlike conduct while on duty, or during any day appropriated to military exercise, inspection or review, or in neglect or violation of any duty imposed upon them by law as officers of the militia, and whether committed in times of quiet, or of invasion, insurrection, riot or tumult, shall be punished by courts-martial, according to the usage and practice of war, by a fine not exceeding five hundred dollars, nor less than twenty dol-

lars; by imprisonment not exceeding six months; cashiering, with or without disability of ever after holding any military office in the state; or reprimand; either or all, with costs, at the discretion of the court; said fines and costs to be collected for the use of the state, by warrant of distress, under the hand and seal of the president of the court-martial imposing the same, directed to the sheriff of the county in which the convicted officer shall reside, who shall pay over the fine so collected to the paymaster-general.

SEC. 2. The president of the court-martial which shall impose upon any officer the penalty of imprisonment, shall, by a mittimus in common form, under his hand and seal, have power to commit the convicted officer to the jail of the county in which he shall reside, for the term of his sentence; and all sheriffs, deputy sheriffs and jailers are directed to govern themselves accordingly.

SEC. 3. Any non-commissioned officer or private of a chartered company, or of a volunteer corps attached thereto, who shall, while under arms or on duty, behave himself with contempt of any officer, disobey any order, or who shall conduct in a disorderly manner, join in or excite any riot or tumult, or appear in any fantastical dress, or with other arms and accoutrements than what the law requires, or who shall be guilty of any other unsoldierly conduct, shall be put under guard by the officer commanding the field, or by his order, for a time not exceeding the time the troops shall be under arms, and shall, in addition thereto, be liable to a fine of twenty dollars, to be recovered by complaint and warrant before any justice of the peace, one half thereof to and for the use of the complainant, and the other half to and for the use of the state, or be imprisoned, at the discretion of the court trying such offender, not exceeding ten days.

SEC. 4. The ordinary fines and penalties of non-commissioned officers and privates for non-attendance or neglect of duty, in every chartered company, shall be regulated by and collected according to the provisions of chapter two hundred and thirty-two, section five, article five.

SEC. 5. The fine for non-attendance at any brigade training, and at any encampment ordered by the major-general, or other duty ordered by the commander-in-chief, shall be six dollars, to be recovered in manner aforesaid; but no fine for non-attendance at the brigade training shall be imposed upon or recovered from any officer or private of a volunteer corps attached to a chartered company or regiment for the purpose of such training.

SEC. 6. In case of war, invasion, threatened invasion, insurrection, mobs, riot or tumult, any militia soldier below the rank of a commissioned officer, ordered out, volunteered, detached or drafted, who shall neglect to appear at the time and place designated by his commanding officer, or in case of the enrolled militia, at the time and place designated by the town council or mayor and aldermen, or to place himself under the command of the officers of the chartered company into which he may have been drafted or have volunteered, shall forfeit the sum of one hundred dollars, or be imprisoned three months, either or both, at the discretion of the court

who shall try such offender; said punishment to be enforced by indictment or other criminal process proper to the court in any court of competent jurisdiction in the county in which the offender may reside; or in time of actual war he may be otherwise dealt with, as the articles of war then established may direct.

SEC. 7. Any assessor of taxes who shall neglect or refuse in due time to perform the duty of preparing a list or roll of all persons liable to be enrolled in the militia, within the limits of the town or city of which he is an assessor, or of placing the same in due time in the hands of the town or city clerk of such town or city, for record and return, shall be individually liable for every such refusal or neglect, to the penalty of fifty dollars, to be recovered by indictment or other criminal process, in any court of competent jurisdiction in the county in which the offence may be committed.

SEC. 8. Any town or city clerk who shall refuse or neglect to record said list or roll of names, or to make due return of the same to the brigade inspector, shall, for every such refusal or neglect, be liable to the penalty of fifty dollars, to be recovered by indictment or other criminal process as aforesaid.

SEC. 9. When information is required by persons lawfully ordered or authorized to make enrolment of those liable to do military duty, or by those acting under them, any person refusing to give information of his name or age, or giving false information concerning the same; and any keeper of a tavern or boarding-house, any parent, master or mistress of a family, refusing to give the required information, or giving false information, shall forfeit and pay twenty dollars, to be recovered by complaint and warrant, for the use of the state, before any justice of the peace in the county in which such offence may be committed.

SEC. 10. Every spectator or bystander who shall intrude upon the bounds and limits of parades, shall pay the sum of ten dollars, to be recovered upon complaint of the officer in command at the time of such intrusion, by ordinary complaint and warrant before a justice of the peace, to and for the use of the state.

SEC. 11. Any physician, surgeon or assistant surgeon who shall take any gratuity whatsoever from any person, for a certificate for inability to perform military duty, on account of bodily infirmities, or shall grant any such certificate, unless after critical examination, and unless such infirmity or inability be beyond all doubt such as to render the applicant unable to perform military duty, shall be liable to the penalty of fifty dollars, to be recovered by indictment, or other criminal process proper to the court, in any court of competent jurisdiction in the county in which such offence may be committed.

SEC. 12. All fines, penalties and forfeitures collected in pursuance of this chapter under any of its provisions, shall be paid to the paymaster-general, except those incurred for breach of orders of company officers, or the by-laws of a company, and shall constitute a military fund to be disbursed for military purposes only.

SEC. 13. No moneys shall be paid out of such fund, except upon

accounts, requisitions or rolls duly prepared and certified by one of the brigadier-generals commanding brigades, or by the major-general, approved by the adjutant-general and the governor.

CHAPTER 242.

OF COURTS MARTIAL.

SECTION

1. General, field, commission and staff-officers, to be tried by courts-martial, and courts for, how in general, to be composed.
2. Courts-martial, by whom to be ordered in different cases.
3. Judge advocate, and duty of.
4. Order for court-martial, what shall designate.
5. Form of order for by commander-in-chief.
6. Form, when ordered by major-general.
7. Form, when ordered by brigadier-general.
8. Notice of general court-martial, how given and reported.
9. For division court-martial, how.
10. For brigade court-martial, how.
11. General officer tried, when and by whom to be furnished with copy of order and charges.
12. If under field officer, when and by whom.
13. Witnesses in courts-martial, by whom and how summoned.
14. Charges, how made, signed and addressed.
15. Members of court to appear in uniform, and form of oath of, and this, and other oaths how administered.
16. Judge advocate, how appointed, form of oath of, and how administered and certified.
17. Of objection to members of court, and vacancies in, how supplied.
18. Concurrence of votes and approval, necessary to effect of sentence of.
19. Penalty upon officer under arrest, for neglect to appear before court, when ordered.
20. Sentence of, by what process enforced in case president of court die, be discharged or promoted.
21. Contempt of process by witnesses, how to be punished.
22. Fees and expenses of witnesses of state, how allowed and paid.
23. How collected of delinquent under sentence.
24. Fees, and expenses of members and officers, what and how to be paid.
25. Of judge advocate for recording and copying, what and how paid.
26. Power of commander-in-chief over sentences of courts-martial, and records of, where to be deposited.

SECTION 1. General, field, commission and staff-officers, shall be subject to trial by court-martial, according to the usage and practice of war, for disobedience of orders, unofficerlike conduct while on duty, or during any day appropriated to military exercise, inspection or review, and for neglect and violation of any duty imposed upon them by law as officers of the militia; which court-martial shall consist of not less than five, nor more than seven members, and the senior officer, who shall always be of a rank superior to that of the officer on trial, shall preside.

SEC. 2. The court-martial for the trial of an officer under the grade of a field officer, shall be appointed by the commanding officer of the brigade to which he belongs; for the trial of an offi-

cer of the grade of field officer, by the commanding officer of the division; and for the trial of a general officer, by the commander-in-chief.

SEC. 3. In every court-martial there shall be a judge advocate, who shall discharge the duties of that office according to the usage and practice of courts-martial; and no other person shall be admitted to prosecute an arrested officer.

SEC. 4. Whenever a court-martial shall be ordered, the order shall designate the time and place of holding the same, the name of the officer to preside, and the names and ranks of the other officers of which the court is to be composed.

SEC. 5. If the court shall be ordered by the commander-in-chief, the order shall be as follows, to wit:—

State of Rhode Island, &c.

GENERAL ORDERS.

A general court-martial is ordered to assemble at on the day of A. D. for the trial of such persons as may be brought before them, to consist of members to be taken from the division, to wit: the major-general brigadier-general or generals, colonel or colonels, lieutenant-colonel or colonels. Major-general will preside. The adjutant of the regimental company or regiment will furnish an orderly sergeant, to attend and execute the orders of the court. (To be signed by the commander-in-chief, or by the adjutant-general by his order.)

SEC. 6. If a court-martial be ordered by the major-general the orders shall be as follows, to wit:—

State of Rhode Island, &c.

DIVISION ORDERS.

A general court-martial of the division will assemble at on the day of A. D. for the trial of such persons as may be brought before them, to consist of members to wit: brigadier-general or generals, colonel or colonels, lieutenant-colonel or colonels, major or majors. Brigadier-general will preside. The adjutant of the company or regiment will furnish an orderly sergeant to attend and execute the orders of the court. (To be signed by the major-general, or by the division inspector by his order.)

SEC. 7. If the court be ordered by a brigadier-general, the orders shall be as follows, to wit:—

State of Rhode Island, &c.

BRIGADE ORDERS FOR THE BRIGADE OF RHODE ISLAND MILITIA.

A general court-martial for the brigade, will assemble at on the day of A. D. for the trial of such persons as shall be brought before them, to consist of

members, to wit: colonels, lieutenant-colonels, majors, (and if any,) captains, subalterns. Colonel will preside. The adjutant of company or regiment will furnish an orderly sergeant to attend and execute the orders of the court. (To be signed by the brigadier-general, or the brigade-major by his order.)

SEC. 8. For a general court-martial, the adjutant-general shall notify all general officers, and give notice of the other officers detailed, to the division inspector or brigade-majors, who shall notify said officers, and make return thereof to the adjutant-general.

SEC. 9. In a division court-martial, the division inspector or an aid-de-camp, under the direction of the major-general, shall notify the general officers, and give notice of the other officers detailed, to the respective brigade-majors, who shall notify the field officers required of their brigades, and make return thereof to the major-general.

SEC. 10. For a brigade court-martial, the brigade-major shall notify the field officers required to serve on said court-martial, and notify the respective adjutants of the other officers detailed; and the adjutant of each chartered company or regiment shall notify them, and make return thereof to the brigade-major.

SEC. 11. If the officer to be tried be a general officer, he shall be furnished with a copy of the order for said court, and a copy of the charges against him, by the adjutant-general, or by the division inspector, or by a brigade inspector, as the commander-in-chief shall direct, twenty days before the sitting of said court, who shall make return thereof, with the names of the officers of said court.

SEC. 12. If the officer to be tried be under the rank of a field officer, he shall be furnished with like copies, twenty days before the sitting of the said court, by a brigade-major or inspector, or by the adjutant of the chartered company or regiment to which he belongs, or to which if an officer of a volunteer corps, his corps is attached, as the officer ordering the court-martial shall direct; who shall return the same, and the names of the officers composing the court, to the judge advocate of the court.

SEC. 13. It shall be the duty of the said judge advocate to summon or cause to be summoned, such witnesses on the part of the state as may be necessary, by subpœna signed by the officer ordering the court, or by the president thereof, or by said judge advocate; and the accused shall be entitled to like process to procure the attendance of his witnesses; which process shall be served by the judge advocate, or by any disinterested person deputed by him.

SEC. 14. All charges shall be made out in due form, by way of complaint, and signed by the party complaining, and addressed to the officer whose duty it is to order the court, specifying the act or neglect of which the accused is supposed to be guilty, and praying due process, before said officer shall order a court-martial for the trial of the officer accused.

SEC. 15. The members of the court shall appear in full uniform,

and before they enter upon the trial of any person accused, shall take the following oath, to wit: "You swear (or affirm) that you will truly try and determine according to the evidence given in court, the matter depending between this state and the officer (or officers) now to be tried; and that you will not divulge the sentence of the court until the same has been approved or disapproved pursuant to law; and that you will not, at any time, disclose the vote or opinion of any member of this court, unless required to do so in due course of law. So help you God;" (or, this affirmation you make and give upon the peril of the penalty of perjury;) and the foregoing oath shall be administered by the judge advocate; but all other oaths which it may be necessary to administer, during the continuance of the court, may be administered either by him, or any general or field-officer.

SEC. 16. There shall be appointed by the officer ordering the court-martial, a judge advocate for each court-martial, who shall perform all the duties of that office, and who shall take the following oath, to wit: "You swear (or affirm) that you will not, at any time whatever, disclose the vote or opinion of any member of this court-martial, unless required by due course of law, nor divulge the sentence of the court till the same has been approved or disapproved according to law; and that you will faithfully and impartially discharge the duty of judge advocate, according to the best of your abilities. So help you God;" (or, this affirmation you make and give upon the peril of the penalty of perjury;) and said oath may be administered by a judge of any court, or any justice of the peace in the state; and a certificate thereof shall be made on the warrant of the judge advocate, by the person administering the oath.

SEC. 17. If, on trial, the accused shall object to any one or more members of the court, he shall state the ground of his objection, and if it appear to the court sufficient, the member or members objected to shall leave their seats; and if the number remaining be less than five, the court shall be adjourned for a reasonable time, that the officer ordering the court may detail others to supply the place or places vacated by such member or members.

SEC. 18. No sentence of a court-martial shall be carried into effect, unless passed by the concurrent vote of two thirds of the court, and approved by the commander-in-chief.

SEC. 19. In case an officer under arrest shall refuse or neglect to attend a court-martial, according to orders and notice given him, he shall, by said court, be sentenced to pay a fine not exceeding two hundred dollars, and be cashiered, with disability of ever after holding any military office in the state; unless he be prevented from attending such court-martial by reason of sickness, or some other reasonable cause; in which case the court shall have power to adjourn; and notice thereof shall be given to the arrested officer, by the judge advocate, at least ten days before the day to which the court shall have been adjourned.

SEC. 20. In all cases in which a fine and costs or imprisonment shall be awarded by a court-martial, and the sentence of such

court shall be approved by the commander-in-chief, and the president of such court shall die, be discharged or promoted, without having issued a warrant of distress or mittimus for such fine and costs or imprisonment, it shall be the duty of the member of said court next in rank to said president to issue said warrant or mittimus.

SEC. 21. If any witness duly summoned shall refuse to obey such summons, he shall be committed to the jail in the county in which he resides, by a warrant from the president of the court, directed to the sheriff, or a deputy sheriff of said county, there to be held at his own expense, until he will conform, and give evidence in the case, or until discharged by due course of law.

SEC. 22. All witnesses summoned on the part of the state, and the judge advocate or other person for summoning them, shall, for travel and attendance, have the same fees that are allowed in civil causes, to be taxed by the president of the court; expenses shall be paid to the judge advocate by the state, and when received by him, be paid over to the persons to whom they are due.

SEC. 23. If the sentence of the court be against the accused, and the same shall be approved by the commander-in-chief, the said expenses shall, by warrant under the hand and seal of the president of the court, directed in the manner aforesaid, be collected of the delinquent, and paid to the paymaster-general.

SEC. 24. The members and officers of said court shall be allowed eight cents per mile travel to and from the place of holding said court, and one dollar for each day during its sitting; and there shall be allowed to the person in whose house said court shall be held, not exceeding two dollars per day, in full of all expenses for room rent, fuel and lights; which shall be paid from the state treasury.

SEC. 25. The judge advocate shall be allowed twenty-five cents for each legal page of the copy of the proceedings and records of the court-martial, to be taxed and paid in the same manner.

SEC. 26. The commander-in-chief shall have power to approve or disapprove all sentences passed by courts-martial, and mitigate or remit any punishment or punishments awarded by them, or any part thereof; and the record of all proceedings and sentences of courts-martial, and of the approval, mitigation or remission by the commander-in-chief, shall be deposited by the respective judge advocates, in the office of the adjutant-general.

CHAPTER 243.

OF BOARDS OF OFFICERS AND COURTS OF INQUIRY.

SECTION
1. When, and by whom to be ordered.
2. How composed, ordered, organized and regulated, and duty of.
3. Vacancies in, how filled.
4. Oath of members and judge advocate of, and how administered.
5. Witnesses before, how summoned and examined; court empowered to give opinion on merits of case, when.
6. Of record, authentication and transmission of record of proceedings in.
7. Pay of members and officers of.
8. Power of commander-in-chief to issue orders and establish rules and regulations for militia service.

SECTION 1. The commander-in-chief, whenever in his opinion it shall be necessary, may call boards of officers, for settling military questions, or for other purposes relative to good order and discipline.

SEC. 2. General, division and brigade courts of inquiry, shall consist of three officers, and a judge advocate, to be appointed by the commander-in-chief; and they may be ordered and organized in the like manner as courts-martial, and under the same regulations, may examine into the nature of any transaction, or any imputation, or accusation against any officer, made by an inferior.

SEC. 3. All vacancies shall be filled as in courts-martial.

SEC. 4. The judge advocate shall administer to each of the officers composing a court of inquiry, the following oaths or affirmations: —

You, A. B., do swear, (or affirm,) that you will well and truly examine and inquire into the matter now before you, without fear, favor, partiality, prejudice or hope of reward. So help you God; (or, this affirmation you make and give upon the penalty of perjury).

After which, the president shall administer to the judge advocate the following oath: —

You, A. B., do swear that you will impartially record the proceedings of the court, and the evidence to be given in the case now in hearing; so help you God; (or, this affirmation you make and give upon the penalty of perjury.)

SEC. 5. Witnesses shall be summoned in the same manner, take the same oath, and be examined, and cross-examined, by the parties in the same way, as on trials before courts-martial; but the court shall not give their opinions on the merits of the case unless specially required so to do.

SEC. 6. All the proceedings therein shall be recorded, and with the papers and documents used therein, authenticated and transmitted by the judge advocate, to the officer who ordered the court.

SEC. 7. The pay and fees of boards of officers and courts of inquiry shall be the same as in courts-martial.

SEC. 8. The commander-in-chief is authorized to issue such orders, and establish such rules and regulations not inconsistent with this title, and the laws of this state, as he may deem necessary to carry into effect and perfect the system established by this title. Such orders, rules and regulations, shall have the same force and authority as if a part of this title.

CHAPTER 244.

GENERAL PROVISIONS.

SECTION
1. Saving of charters and corporate rights of companies not accepting provisions of this title.
2. Saving of rights of property of chartered companies, accepting said provisions, and of the right of such company to use corporate name.
3. Saving of effect of acceptance acts of 1843 and 1844 by chartered companies.

SECTION 1. The charters and corporate rights of the existing chartered companies of this state, who shall not accept the provisions of this title, shall be wholly unimpaired thereby.

SEC. 2. The rights of property of the existing chartered companies, who do accept the provisions of this title, shall in no case be impaired or affected thereby; and the corporate name of such company shall be retained in business transactions therewith, and upon the repeal of the provisions of this title, they shall be remitted to all the corporate rights and privileges heretofore by them enjoyed.

SEC. 3. Nothing in this title contained shall be construed to remit to the chartered companies who accepted the provisions of the act to regulate the militia, passed June, 1843, and January, 1844, the corporate rights and privileges enjoyed by them before such acceptance.

TITLE XXXV.

Of the Revised Statutes, and the Repeal of Statutes therein revised and arranged.

CHAPTER 245. Of the revised statutes.
CHAPTER 246. Of the repeal of statutes herein revised and arranged.

CHAPTER 245.

OF THE REVISED STATUTES.

SECTION
1. When to go into operation.
2. What statutes in to be deemed in force from time of first enactment.
3. What English statutes in force.
4. Revised statutes, how to be designated and cited.

SECTION 1. The provisions contained in the preceding chapters shall take effect and go into operation from and after the first day of July next, unless otherwise therein expressly provided.

SEC. 2. Such, and so much of the statutes contained in this revision as remain in substance the same as before said revision, shall be deemed and taken to have continued in force from the time of their first enactment, and as if this revision had not been made.

SEC. 3. In all cases in which provision is not made herein, such English statutes, introduced before the declaration of independence, which have continued to be practised under, as in force in this state, shall be deemed and taken as a part of the common law thereof, and remain in force until otherwise specially provided.

SEC. 4. The statutes consolidated and arranged in this revision, shall not in any citation or enumeration of the statutes, be deemed and taken as statutes of the present political year; but in all citations thereof, may be designated as the revised statutes, adding to the citation, when necessary, the number of the chapter and of the section.

CHAPTER 246.

OF THE REPEAL OF STATUTES HEREIN REVISED AND ARRANGED.

SECTION
1. Repeal of acts and parts of acts repugnant to revision, from what time to take effect.
2. Operation of repealed acts prolonged, when.
3. Effect of repeal upon acts done, rights accruing or accrued, and suits or proceedings in civil cases, before repeal.
4. Effect of upon offences committed, and penalties and forfeitures incurred before repeal.
5. Effect of, upon suits and prosecutions pending at time of repeal, for offences committed, and penalties and forfeitures incurred before repeal.
6. Effect of, upon officers whose offices are not abolished, &c.

SECTION
7 and 8. Effect of, upon acts repealing former acts.
9. Effect of reference to, and adoption by revised statutes of act or part of act repealed, abrogated or modified by revised statutes.
10. Effect of repeal of limitation acts, &c., upon time which has begun to run, when limitation is retained in revised statutes.
11. Enumeration of statutes in digest of 1844, repealed by revised statutes.
12. Enumeration of statutes passed since the publication of the digest of 1844, repealed by revised statutes.

SECTION 1. All acts and parts of acts, the subjects whereof are revised and reënacted in this revision, or which are repugnant to the provisions therein contained, shall be repealed from and after the first day of July next, with the exceptions and limitations hereinafter expressed.

SEC. 2. In cases in which any provisions of the revised statutes are made to go into operation at any time after the first day of July next, the corresponding provisions, if any, of the repealed statutes, shall continue in force until such new provisions shall go into operation, except so far as may be in said revised statutes otherwise expressly provided.

SEC. 3. The repeal of the acts hereinbefore referred to, or hereinafter enumerated, shall not affect any act done, or any right accruing or accrued, or acquired or established, or remedy for any injury thereto, or any suit or proceeding had or commenced in any civil case, before the time when said repeal shall take effect; but the proceedings in every such case shall be conformed, when necessary, to the provisions of the revised statutes.

SEC. 4. No offence committed, and no penalty or forfeiture incurred under any of the acts hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal, except that when any punishment, penalty or forfeiture shall be mitigated by the provisions of the revised statutes, such provisions may be extended and applied to any judgment to be pronounced after the said repeal.

SEC. 5. No suit or prosecution, pending at the time of the said repeal, for any offence committed, or for the recovery of any penalty or forfeiture incurred under any of the acts hereby repealed, shall be affected by such repeal, except that the proceedings in such suit or prosecution shall be conformed, when necessary, to the provisions of the revised statutes.

SEC. 6. All persons who, at the time when the said repeal shall take effect, shall hold any office under the acts hereby repealed, shall continue to hold the same under the tenure thereof, except those offices which have been abolished, and those as to which a different provision shall have been made by the revised statutes.

SEC. 7. No act which has been heretofore repealed, shall be revived by the repeal contained in this chapter of any of the acts hereby repealed.

SEC. 8. The repeal in this chapter of any statute or part of a statute heretofore repealed, shall not be construed as a declaration or implication that such statute or part of a statute has been in force at any time subsequent to such first repeal.

SEC. 9. When any statute not herein repealed, refers to and adopts any statute or part of a statute which is herein repealed, or any provision or rule of law which is abrogated or modified by the revised statutes, such statute or part of a statute, or provision or rule of law so referred to and adopted, shall not be deemed repealed by the provisions of this chapter; but shall be in force only so far as the same shall have been so adopted, and for no other purpose, and so far only as not repugnant to or inconsistent with the provisions of the revised statutes.

SEC. 10. In any case when a limitation or period of time prescribed in any of the acts repealed by this chapter, for the acquiring of any right, or the barring of any remedy, or for any other purpose, shall have begun to run, and the same or any similar limitation is prescribed in the revised statutes, the time of limitation shall continue to run, and shall have the like effect as if the whole period had begun and ended under the operation of the revised statutes.

SEC. 11. All the statutes hereinafter mentioned, described, and contained in the Digest of 1844, are hereby repealed, subject to the provisions contained in the preceding sections of this chapter; that is to say:—

An act defining the several counties in this state.
An act in relation to certain lands in the state owned by the United States.
An act in relation to the seal of the state.
An act in relation to the construction of statutes.
An act to regulate the organization of the general assembly.
An act directing the method of passing the acts of the general assembly, and for recording and distributing the same, and for distributing the laws of the United States.
An act directing the method of preferring petitions to the general assembly, and of acting thereon.
An act in relation to the secretary of state.
An act in relation to the attorney-general.
An act in relation to the general treasurer.
An act relative to senators and representatives to represent this state in congress, and of electors for the election of president and vice-president of the United States.
An act in relation to sheriffs, deputy sheriffs and jailers.

An act in relation to coroners.
An act relative to public notaries.
An act in relation to the supreme court.
An act establishing courts of common pleas.
An act directing the times and places of holding the terms of the supreme courts and the courts of common pleas.
An act in relation to justices of the peace.
An act prescribing the forms of writs and manner of serving them.
An act prescribing the manner of proceedings in courts.
An act establishing and regulating fees.
An act in relation to bail in civil actions.
An act in relation to jurors.
An act authorizing and regulating the taking of depositions.
An act to establish the limits of the several jail yards.
An act for the relief of poor persons imprisoned for debt.
An act relative to writs of habeas corpus.
An act concerning actions of account.
An act regulating proceedings in replevin.
An act concerning waste.
An act relating to dower, and the assignment thereof.
An act concerning partition, and estates holden in common and in joint-tenancy.
An act concerning mortgages of real and personal estate.
An act directing proceedings in cases of forcible entry and detainer.
An act regulating water-mills.
An act to redress misemployment of property given to certain charitable uses.
An act for the relief of insolvent debtors.
An act for quieting possessions and avoiding suits at law.
An act for the limitation of certain personal actions.
An act to prevent frauds and perjuries.
An act establishing courts of probate.
An act in relation to wills of real and personal estate.
An act directing the descent of intestate estates and the settlement thereof, and for other purposes therein mentioned.
An act for the equal distribution of insolvent estates.
An act securing the estates of persons dying leaving real or personal estate within this state, and leaving no known heir or others entitled to distribution, within the United States.
An act to regulate conveyances of real estate.
An act declaring what is real and what personal estate, in certain cases.
An act regulating marriage and divorce.
An act to secure the fulfilment of certain contracts, and for the relief of married women in certain cases.
An act to prevent clandestine marriages.
An act for registering marriages, births and burials.
An act concerning the property of married women.
An act respecting guardians.
An act to secure to masters and apprentices and minor servants, bounden by deed, their mutual privileges.
An act relating to principals and agents or factors.
An act authorizing limited partnerships.
An act for the relief of partners and joint debtors.
An act fixing the rate of legal interest.
An act in relation to bills of exchange and promissory notes.
An act in relation to banks.
An act to prevent the circulation of private securities as a currency.
An act declaring towns to be bodies corporate, and prescribing the manner of recovering debts due from towns.
An act in relation to the election and duties of town officers.
An act establishing auctioneers.
An act constituting the several town councils ex officio boards of health.
An act to prevent the spreading of contagious or infectious sickness in this state.
An act for laying out highways.
An act for the mending of highways and bridges.
An act for the erection and support of guide posts upon public roads.
An act apportioning the expense of repairing Hunt's bridge among the towns of North Kingstown, Warwick and East Greenwich.
An act to prevent laying vessels to and lading and unlading wood or merchandise upon the bridge over Apponaug river.

An act to prevent canoes and boats being made fast to the abutments, or any part of the bridge at Pawtuxet falls.

An act to prevent damage being done to Weybosset bridge, in Providence.

An act relative to the passing of teams and carriages in public highways.

An act to prevent excessive riding in any of the places therein mentioned.

An act regulating ferries.

An act in relation to turnpike-roads and toll-bridges, and keepers of toll-gates.

An act in relation to railroads.

An act ascertaining what shall constitute a legal settlement.

An act providing for the relief, employment and removal of the poor.

An act relating to theatrical exhibitions and places of amusement.

An act to prevent drunkenness.

An act regulating proceedings in cases of bastardy.

An act in relation to firemen and fire companies.

An act in relation to the discharge of fire-arms, and the firing and selling of fire-works.

An act concerning dogs.

An act regulating fences.

An act establishing pounds.

An act for impounding certain animals in certain cases, and for recovering damages that shall be done by them.

An act to prevent certain animals from going at large.

An act relative to estrays.

An act concerning crimes and punishments.

An act in relation to the officers and discipline of the state prison.

An act directing the keepers of jails in this state to receive and safe keep all prisoners committed under the authority of the United States.

An act to protect the officers of justice of adjoining states in passing through this state in the execution of their duties.

An act for the preservation of stakes and buoys within the waters of this state, and for other purposes.

An act in relation to lotteries and lottery tickets.

An act to prevent trespasses.

An act regulating the assessing and collecting of taxes.

An act to prevent hawking and peddling without license.

An act requiring clerks of the courts to account, and for other purposes.

An act in relation to the Providence and Pawtucket turnpike-road, now belonging to the state.

An act to provide for the safe-keeping of the money received from the United States, by virtue of an act of congress, entitled "An act to regulate the deposits of the public moneys;" approved June 23, 1836.

An act to regulate the inspection of beef and pork.

An act regulating the inspection of fish.

An act to regulate the survey and admeasurement of lumber, brought by water or imported into this state.

An act to regulate the inspection of scythe stones.

An act regulating the assize of lime casks, and the inspecting of lime.

An act to regulate the measuring of grain, salt and sea-coal.

An act to prevent frauds and abuses in the sale of hoops.

An act to prevent frauds in the tare of butter firkins or tubs.

An act regulating the assize of cider barrels.

An act substituting net weight for gross weight, and ascertaining the weight of certain articles.

An act establishing a method of gauging.

An act regulating millers in their taking toll.

An act to prevent fraud in fire-wood and charcoal exposed for sale.

An act relative to certain fisheries.

An act to prevent the taking of sea-weed from the shore of Dutch Island.

An act to regulate the measure of fish sold for manure.

An act to regulate the taking of sea-weed from Hyde's hole beach, in Barrington.

An act confirmatory of the tenure of lands belonging to the Narragansett tribe of Indians, and for other purposes therein mentioned.

An act in relation to the Indian tribe in this state.

An act to secure and appropriate the Touro Jewish Synagogue Fund, passed June session, 1823.

An act in addition to the act to secure and appropriate the Touro Jewish Synagogue Fund, passed June session, 1827.

A resolution with respect to said fund, passed June, 1834.

An act to regulate the fishery in Pawcatuck river.

An act to enforce an act entitled "An act to regulate the fishery in Pawcatuck river."

An act to regulate the election of civil officers.
An act enabling town councils to grant licenses for retailing strong liquors, and for other purposes.
An act for appointing the time when the act entitled "an act enabling the town councils in this state to grant licenses for retailing strong liquors, and for other purposes," shall go into effect.
An act imposing a duty upon licensed persons and others, and bodies corporate.
An act to regulate the militia.
An act in amendment of an act entitled "an act to regulate the militia."
An act in amendment of an act entitled "an act to regulate the militia."
An act for the preservation of oysters and other shell-fish within this state.
An act in amendment and explanatory of an act entitled "an act for the preservation of oysters and other shell-fish within this state."
An act in amendment of an act entitled "an act for the preservation of oysters and other shell-fish within this state."
A resolution concerning the purchase of medicine for use in the state prison, passed January session, 1844.
An act in relation to the cells in the state prison, and in relation to the jail in the county of Providence.
A resolution directing the method of keeping the accounts of the state prison and jail of the county of Providence, passed June session, 1844.
An act in relation to petitions for acts of incorporation.
An act in addition to the several acts relating to public schools.
An act in relation to the board of prisoners.
An act in amendment of an act entitled "an act to regulate the fisheries in Palmer's river."
An act to regulate the taking of fish in the waters of this state.
An act in amendment of an act entitled "an act in relation to justices of the peace."
An act authorising town councils to examine registers of voters.
An act relative to lunatics.
An act in relation to the duty of town treasurers.

SEC. 12. All the statutes hereinafter mentioned, described and entitled, and passed since the publication of the Digest of 1844, are hereby repealed, subject to the provisions contained in the preceding sections of this chapter; that is to say: —

Acts passed October session, 1844.

An act in addition to and explanatory of an act entitled "an act establishing and regulating fees."
An act in amendment of and in addition to an act entitled "an act respecting guardians."
An act relative to public schools.

Acts passed January session, 1845.

An act in amendment of an act entitled "an act directing the method of preferring petitions to the general assembly, and of acting thereon."
An act to establish a court of magistrates, in the city of Providence.
A resolution authorizing the keeper of the jail, in the county of Providence, to employ prisoners in labor.
An act in amendment of an act entitled "an act in relation to the officers and discipline of the state prison."
An act in amendment of an act entitled "an act to prevent the spreading of contagious or infectious sickness in this state."
An act in amendment of an act entitled "an act in relation to the supreme court."
An act in amendment of an act entitled "an act in relation to lotteries, and lottery tickets."
An act in amendment of an act entitled "an act to regulate the survey and admeasurement of lumber, brought by water or imported into this state."
An act in amendment of an act entitled "an act to prevent hawking and peddling without license."
An act in amendment of an act entitled "an act to regulate the election of civil officers."

An act in amendment of an act entitled "an act establishing auctioneers."
An act in relation to the agent of public schools.
An act in amendment of an act entitled "an act concerning crimes and punishments."
An act to provide for the education of the indigent blind, and indigent deaf mutes, in this state.
An act in amendment of "an act concerning crimes and punishments."

Acts passed May session, 1845.

An act in addition to the act in relation to the Providence and Pawtucket turnpike-road now belonging to the state.
An act in amendment of an act entitled "an act establishing and regulating fees."
An act in amendment of an act entitled "an act establishing auctioneers."
An act in addition to an act to prevent hawking and peddling without license.
An act in addition to an act entitled "an act enabling the town councils to grant licenses, and for other purposes."

Acts passed June session, 1845.

An act in amendment of "an act imposing duties upon licensed persons and others, and bodies corporate."
An act concerning imprisonment in county jails.
An act relating to public schools.

Acts passed October session, 1845.

An act to regulate the fishery in Charlestown and Green hill ponds.
A resolution relating to the Pawtucket turnpike.

Acts passed January session, 1846.

An act in addition to an act entitled "an act concerning partition and estates holden in common and joint-tenancy."
An act relating to the inspection of oils.
An act in amendment of an act entitled "an act for enabling town councils to grant licenses for retailing strong liquors, and for other purposes."
An act in amendment of the "act in addition to an act enabling the town councils to grant licenses, and for other purposes."
An act to regulate the fishery in the salt ponds in the town of Westerly, and the Quonscontaug pond in Charlestown and Westerly.
An act in addition to "an act in relation to the election and duties of town officers."
An act respecting agencies of life insurance companies.
An act in amendment of an act entitled "an act prescribing the manner of proceedings in courts."
An act providing for the payment of board of prisoners confined in jail for debt.
An act authorizing the warden of the state prison to draw on the general treasurer for the expenses of the state prison, and the county jail.

Acts passed May session, 1846.

An act in addition to "an act regulating marriage and divorce."
An act in amendment of an act entitled "an act to establish a court of magistrates in the city of Providence."

Acts passed June session, 1846.

An act for the preservation of certain useful birds.
An act in addition to and in amendment of "an act relating to public schools."
An act in amendment of several acts imposing certain duties on the general treasurer.
An act in explanation and amendment of "an act in relation to banks."
An act in amendment of an act entitled "an act for the limitation of certain personal actions."
An act to regulate the fishery in the Point Judith and Potter ponds in South Kingstown.

Acts passed October session, 1846.

An act respecting agencies of health insurance companies.
An act to regulate the location of windmills.
An act in relation to oaths of office.
An act in addition to and amendment of "an act relating to public schools, passed June, A. D. 1845."
An act in amendment of an act to establish the limits of the several jail yards.
An act in amendment of the "act to establish the limits of the several jail yards."
An act to exempt the town of New Shoreham from the effect of the "act to regulate the location of windmills."
An act in relation to the Providence and Pawtucket turnpike belonging to the state.

Acts passed January session, 1847.

An act in explanation of an act entitled "an act to establish a court of magistrates in the city of Providence."
An act in addition to an act in relation to oaths of office.
An act in amendment of the "act in relation to jurors."
An act to alter the time of holding the April term of the court of common pleas in the county of Washington.
An act in amendment of an act entitled "an act to establish a court of magistrates in the city of Providence."
A resolution explanatory of the several acts relating to public schools.
An act respecting the inspection of and sale of saleratus and bicarbonate of soda.
An act in amendment of an act regulating marriage and divorce.
An act in relation to masters in chancery, auditors and referees.
An act in addition to an act establishing courts of common pleas.
An act relating to salaries and employment in the state prison and Providence county jail.
An act securing to mechanics, payment for repairs and improvements by them made on real estate.
An act in amendment of an act to prevent hawking and peddling without license.
An act in addition to the act to establish the Providence and Pawtucket turnpike corporation, now belonging to the state, and the several acts passed in relation thereto.
An act in amendment of the act entitled "an act to establish the limits of the several jail yards."
An act in addition to an act entitled "an act establishing courts of probate."
An act in amendment of the act entitled "an act for the relief of insolvent debtors."
An act in amendment of the act in relation to public schools.
An act to authorize justices of the peace in the town of Smithfield to join persons in marriage.
An act in amendment of an act entitled "an act for the mending of highways and bridges."
An act authorizing justices of the peace of the towns of Johnston, Charlestown, Jamestown, Burrillville and Cumberland to publish and join persons in marriage.
An act in amendment of an act establishing and regulating fees.
An act authorizing justices of the peace in the town of Foster to publish and join persons in marriage.

Acts passed May session, 1847.

An act in relation to the appointment of inspectors of the state prison.
An act to repeal an act entitled "an act to regulate the fishery in the salt ponds of Westerly, and Charlestown, and in the Quanacontaug pond in Charlestown and Westerly."

Acts passed June session, 1847.

An act in amendment of "an act in relation to jurors."
An act in addition to the several acts relating to public schools.
An act to provide for the voluntary incorporation of library, academy and school associations.
An act in addition to an act entitled "an act providing for the relief, employment and support of the poor."
An act relating to surveyors of highways.
An act in relation to gauging and for the appointment of gaugers.
An act relating to manufacturing corporations.

An act in amendment of an act entitled "an act relating to salaries and employment in the state prison and Providence county jail."
An act in amendment of an act entitled "an act in relation to the supreme court."

Acts passed October session, 1847.

An act in amendment of an act entitled "an act prescribing the forms of writs and the manner of serving them."
An act in amendment of an act entitled "an act relating to theatrical exhibitions and places of amusement."
An act in amendment of an act entitled "an act in relation to the supreme court."
An act in addition to an act prescribing the manner of proceedings in courts.
An act in relation to the support of poor and custody of dangerous insane persons.
An act explanatory of an act entitled "an act in relation to the supreme court."
An act in amendment of an act entitled "an act concerning crimes and punishments."

Acts passed January session, 1848.

An act in addition to an act entitled "an act for the equal distribution of insolvent estates."
An act in amendment of an act entitled "an act for impounding certain animals in certain cases, and for recovering damages that shall be done by them."
An act in amendment of an act entitled "an act in relation to the general treasurer."
An act further to protect personal liberty.
An act in addition to an act entitled "an act to regulate the election of civil officers."
An act in amendment of an act entitled "an act in relation to jurors."
An act enabling married women to effect life insurance.
An act in amendment of an act entitled "an act in relation to gauging and for the appointment of gaugers."
An act in amendment of an act entitled "an act to regulate the election of civil officers."
An act in addition to an act entitled "an act concerning crimes and punishments."
An act in amendment of an act entitled "an act to regulate the election of civil officers."
An act in amendment of an act entitled "an act in amendment of an act in relation to the supreme court."
An act in amendment of an act enabling town councils to grant licenses for retailing strong liquors, and for other purposes.
An act in amendment of an act entitled "an act for the relief of poor persons imprisoned for debt."
An act in addition to an act entitled "an act in relation to railroads."
An act in addition to the several acts relating to public schools.
An act in amendment of an act in addition to an act to establish the Providence and Pawtucket turnpike corporation, now belonging to the state, and to the acts passed in relation thereto.
An act in addition to "an act to prevent hawking and peddling without license."
An act in addition to an act entitled "an act concerning crimes and punishments."
An act in amendment of an act entitled "an act concerning crimes and punishments."

Acts passed May session, 1848.

An act in amendment of an act entitled "an act establishing courts of common pleas."
An act in amendment of an act entitled "an act in relation to the supreme court."
An act in amendment of an act entitled "an act enabling town councils to grant licenses for retailing strong liquors, and for other purposes."

Acts passed June session, 1848.

An act respecting the inspection and sale of saleratus and bi-carbonate of soda.
An act to regulate the fishery in Point Judith ponds.
An act in amendment of an act entitled "an act in amendment of an act entitled an act establishing courts of common pleas."
An act in amendment of an act entitled "an act in relation to the support of poor and custody of dangerous insane persons."
An act to amend the several acts relating to the militia.

An act in amendment of an act entitled "an act providing for the relief, employment, and removal of the poor."

An act in amendment of an act entitled "an act for the preservation of oysters and other shell-fish within this state."

An act in amendment of an act entitled "an act enabling town councils to grant licenses for retailing strong liquors and for other purposes."

Acts passed October session, 1848.

An act in amendment of an act entitled "an act relative to senators and representatives to represent this state in congress, and of electors for the election of president and vice-president of the United States."

An act to provide for the safe-keeping of gunpowder.

An act in addition to the several acts in relation to the Providence and Pawtucket turnpike.

An act in addition to the several acts relative to the Providence and Pawtucket turnpike.

An act in amendment of an act respecting the inspection and sale of saleratus and the bi-carbonate of soda.

An act in amendment of an act entitled "an act to regulate the fishery in Point Judith ponds."

An act in addition to and in amendment of an act entitled "an act in amendment of an act enabling town councils to grant licenses for retailing strong liquors, and for other purposes."

Acts passed January session, 1849.

An act in amendment of an act entitled "an act regulating the assessing and collecting of taxes."

An act in relation to the management of the money appropriated to provide a school for the Indian tribe.

An act in amendment of an act entitled "an act concerning crimes and punishments."

An act in addition to an act entitled "an act prescribing the manner of proceedings in courts."

An act in amendment of "an act directing the times and places of holding the terms of the supreme court and the courts of common pleas," contained in the Digest of 1844.

An act in relation to savings institutions.

An act to provide additional revenue for the state.

An act in amendment of an act entitled "an act in relation to bills of exchange and promissory notes."

An act explaining and amending an act entitled "an act for laying out highways."

An act in amendment of an act entitled "an act in amendment of an act entitled an act for the relief of poor persons imprisoned for debt."

An act in relation to the board of prisoners in jail.

An act in addition to the several acts in relation to the sale of real estate by guardians.

An act in amendment of an act to prevent clandestine marriages.

An act in addition to the several acts relative to the Providence and Pawtucket turnpike.

An act in amendment of an act entitled "an act to regulate the militia."

An act in addition to an act relating to public schools.

A resolution directing the clerks of the supreme court and court of common pleas to report, annually, to the general assembly.

Acts passed May session, 1849.

An act in addition to the several acts relating to the public schools.

An act authorizing justices of the peace of the town of Exeter, to publish and join persons in marriage.

Acts passed June session, 1849.

An act in amendment of an act entitled "an act in relation to banks."

An act in addition to the several acts regulating public schools.

An act in addition to an act entitled "an act concerning crimes and punishments."

An act in amendment of an act entitled "an act to regulate the militia."

Acts passed October session, 1849.

An act in addition to the several acts relating to the Indian tribe.
An act in amendment of the several acts in relation to hawking and peddling without a license.
An act in amendment of an act entitled "an act imposing a duty upon licensed persons and others, and bodies corporate."
An act relating to the taking of depositions and acknowledgment of deeds.
An act in relation to the state turnpike.
An act to prevent improper communication with persons confined in jail.

Acts passed January session, 1850.

An act in amendment of an act for laying out highways.
An act to repeal so much of an act entitled "an act in amendment of an act directing the method of preferring petitions to the general assembly, and of acting thereon," as relates to the payment of fees upon petitions to the general assembly.
An act in amendment of an act entitled "an act regulating water-mills."
An act in addition to an act prescribing the manner of proceedings in court.
An act in amendment of an act entitled "an act establishing and regulating fees."
An act in addition to an act entitled "an act concerning partition and estates holden in common and joint-tenancy."
An act in addition to "an act in relation to the election and duties of town officers."
An act in relation to the publication of the public laws.
An act to authorize the city of Providence to establish a reform school.
An act in amendment of an act entitled "an act in amendment of an act in relation to jurors."
An act in amendment of an act entitled "an act enabling town councils to grant licenses for retailing strong liquors and for other purposes," and of the several acts in amendment thereof.
An act in amendment of an act entitled "an act in amendment of an act entitled an act for the relief of poor persons imprisoned for debt."
An act in amendment of an act entitled "an act prescribing the forms of writs, and the manner of serving them."
An act in addition to the act prescribing the manner of proceedings in courts.
An act in amendment of an act entitled "an act in relation to banks."
An act to provide for a registration of births, marriages and deaths.
An act in amendment of an act entitled "an act to regulate the militia."
An act providing compensation for the militia.
An act in amendment of an act entitled "an act for the preservation of certain useful birds."
An act in relation to insane persons.

Acts passed May session, 1850.

An act in addition to an act entitled "an act in amendment of an act entitled an act for the relief of poor persons imprisoned for debt."
An act in relation to religious meetings of the Indian tribe.
A resolution authorizing the governor to transmit acts, resolves and documents.

Act passed in August, 1850.

An act in addition to the act concerning crimes and punishments.

Acts passed October session, 1850.

An act in amendment of an act entitled "an act concerning crimes and punishments."
An act to repeal an act entitled "an act to regulate the fishery in the Charlestown and Greenhill ponds."

Acts passed January session, 1851.

An act in amendment of an act regulating marriage and divorce.
An act for the regulation of transportation of freight and passengers on railroads in this state.
An act in amendment of an act in relation to jurors.
An act to amend the act entitled "an act providing for the relief, employment and removal of the poor."
An act regulating the custody of insane paupers.
An act in amendment of an act entitled "an act relating to theatrical exhibitions and places of amusement."
An act in amendment of an act to prevent hawking and peddling without license.
An act in addition to an act entitled "an act concerning partition, and estates holden in common and in joint-tenancy."
An act for the more effectual suppression of gaming.
An act in amendment of the several acts in relation to jurors.
An act to reapportion the representatives of the several towns in this state to the general assembly thereof.
An act in addition to an act concerning crimes and punishments.
An act in addition to an act entitled "an act concerning crimes and punishments."
An act in amendment of an act entitled "an act in addition to an act entitled an act establishing courts of probate."
An act explanatory of an act entitled "an act in addition to and in amendment of an act entitled an act in amendment of an act enabling town councils to grant licenses for retailing strong liquors and for other purposes."
An act regulating the transportation of freight and passengers on railroads.
An act to prevent racing and furious driving on the Pawtucket turnpike, belonging to the state.
An act concerning slaughter houses.
An act in addition to the several acts enabling town councils to grant licenses for retailing strong liquors, and for other purposes.
An act in relation to the Butler hospital for the insane.
An act in amendment of an act entitled "an act to provide for the education of the indigent blind and indigent deaf mutes in this state."
An act regulating the imprisonment and discipline of the poor.
An act in addition to an act entitled "an act directing the method of passing the acts of the general assembly, and for recording and distributing the same, and for distributing the laws of the United States."
An act in explanation of an act entitled "an act requiring the clerks of the court to account, and for other purposes."
An act authorizing the wardens of the town of New Shoreham to publish and join persons in marriage.
A resolution authorizing the warden of the state prison to employ convicts.

Acts passed May session, 1851.

An act in amendment of an act entitled "an act enabling town councils to grant licenses, and for other purposes," and of the several acts in amendment thereof.
An act to preserve the fisheries within the waters of Narragansett bay, and other navigable waters of this state.
A resolution authorizing the secretary to pay for and distribute the reports of the supreme court.

Acts passed June session, 1851.

An act in explanation and amendment of an act entitled "an act in relation to manufacturing corporations."
An act in addition to an act entitled "an act providing for the relief, employment and removal of the poor."
An act to revise and amend the laws regulating public schools.
An act in amendment of an act entitled "an act to regulate the election of civil officers."
An act in amendment of an act entitled "an act in amendment of an act directing the times and places of holding the terms of the supreme court and the courts of common pleas," contained in the digest of 1844.
An act establishing and regulating a court of justices in the town of Bristol.

Acts passed October session, 1851.

An act in amendment of an act entitled "an act in relation to the supreme court."

An act in addition to the several acts enabling town councils to grant licenses for the retailing of strong liquors, and for other purposes.

An act in repeal of the act in amendment of an act entitled "an act in amendment of an act entitled 'an act for the relief of poor persons imprisoned for debt,'" passed at the January session of the general assembly, A. D. 1850.

An act in amendment of an act entitled "an act to regulate the election of civil officers."

Acts passed January session, 1852.

An act enlarging the jurisdiction of special courts of common pleas, and amending proceedings therein.

An act legalizing certain holidays.

An act in amendment of an act entitled "an act to provide for a registration of births, marriages and deaths."

An act in relation to the Stonington railroad.

An act in addition to an act entitled "an act regulating the custody of insane paupers."

An act providing for the appointment of weighers, and for weighing of cotton.

An act in addition to an act entitled "an act in amendment of an act entitled an act concerning crimes and punishments."

An act in relation to mutual fire insurance companies.

An act enabling town councils to act as trustees for the purpose of holding burial lots.

An act to repeal part of an act entitled "an act to regulate the fishery in Pawcatuck river."

An act in amendment of an act entitled "an act directing the method of passing the acts of the general assembly, and for recording and distributing the same, and for distributing the laws of the United States."

An act in amendment of and in addition to an act entitled "an act establishing courts of common pleas."

An act in relation to poor persons imprisoned for torts.

An act to abolish capital punishment, and to provide for the more effectual punishment of crime.

An act in amendment of an act entitled "an act relating to theatrical exhibitions and places of amusement."

An act in addition to an act in relation to the Butler hospital for the insane.

An act in relation to the duties of the keeper of the jail for the county of Providence.

An act to prevent shooting on the islands of Prudence, Patience and Hope.

An act to revise and amend the several acts in relation to the election of civil officers.

An act explaining and in amendment of an act entitled "an act to revise and amend the several acts in relation to the election of civil officers."

An act in amendment of an act entitled "an act in relation to the election and duties of town officers."

An act in amendment of an act entitled "an act for the preservation of oysters and other shell-fish within this state."

An act to regulate the fisheries in Point Judith ponds.

Acts passed May session, 1852.

An act for the suppression of drinking-houses and tippling-shops.

An act in addition to an act entitled "an act to revise and amend the several acts in relation to the election of civil officers."

An act for the appointment of keeper of the state jail in the county of Providence.

An act to amend an act entitled "an act establishing and regulating a court of justices in the town of Bristol."

Acts passed June session, 1852.

An act in relation to the supreme court and to the court of common pleas.

An act for the appointment of keeper of the state jail in the county of Providence.

An act in addition to an act entitled "an act for the suppression of drinking-houses and tippling-shops."

An act providing salaries of secretary of state and attorney-general.
An act to repeal an act entitled "an act establishing and regulating a court of justices in the town of Bristol."
An act regulating the measurement of cranberries and other berries.

Acts passed October session, 1852.

An act in addition to and in amendment of the act entitled "an act in relation to the supreme court and to the courts of common pleas."
An act in amendment of an act entitled "an act in relation to the officers and discipline of the state prison."

Acts passed January session, 1853.

An act in relation to appeals in criminal causes within the jurisdiction of justices of the peace.
An act in relation to the sentence of criminals during the pendency of a sentence under a prior conviction.
An act in amendment of "an act concerning crimes and punishments."
An act in addition to the act entitled "an act concerning crimes and punishments."
An act in amendment of an act entitled "an act in amendment of an act entitled an act for the preservation of oysters and other shell-fish within this state."
An act in amendment of an act relative to the publication of the public laws.
An act to limit the hours of labor and to regulate the employment of children in factories.
An act in relation to the cells in the state prison and in relation to the jail in the county of Providence.
An act for the more effectual suppression of drinking-houses and tippling-shops.
An act in amendment of an act entitled "an act to prevent certain animals from going at large."
An act in amendment of an act entitled "an act to revise and amend the several acts in relation to the election of civil officers."
An act in amendment of an act entitled "an act to revise and amend the several acts in relation to the election of civil officers."
An act concerning slaughter houses.
An act establishing pilots for Pawtucket river.
An act in relation to the salary of the commissioner of public schools.

Acts passed May session, 1853.

An act to establish a court of magistrates in the city of Providence.
An act in relation to the election of mayor of the city of Providence.
An act in amendment of an act entitled "an act to revise and amend the several acts in relation to the election of civil officers."
An act in amendment of an act in relation to the election and duties of town officers.
An act in addition to an act concerning the property of married women.

Acts passed June session, 1853.

An act to prohibit the issue of fractional bank-bills.
An act in amendment of an act entitled "an act to establish a court of magistrates, in the city of Providence."
An act in amendment of an act entitled "an act in amendment of an act in relation to jurors."
An act in amendment of an act relative to certain fisheries.
An act in amendment of an act entitled "an act for the preservation of oysters and other shell-fish within this state," and of the acts in amendment thereof.
An act for the appointment of printers to the state.

Acts passed September session, 1853.

An act in amendment of an act entitled "an act enlarging the jurisdiction of special courts of common pleas, and amending proceedings therein."

An amendment to "an act to establish a court of magistrates in the city of Providence."

An act to facilitate the detection, and prevent the circulation of counterfeit and altered bank-bills.

An act respecting agencies of live-stock insurance companies.

An act to establish a court of magistrates in the village of Woonsocket, in the town of Cumberland.

An act passed October session, 1853.

An act in relation to cases where life is lost by the wrongful act or negligence of common carriers, and others.

Acts passed January session, 1854.

An act in amendment of an act prescribing the manner of proceedings in courts.

An act in amendment of an act entitled "an act prescribing the manner of proceedings in courts."

An act in amendment of an act entitled "an act in relation to the supreme court and to the courts of common pleas."

An act to regulate the taking of bail in certain cases.

An act in amendment of "an act concerning crimes and punishments."

An act in amendment of "an act concerning crimes and punishments."

An act in addition to an act passed at the January session, A. D. 1851, entitled "an act in addition to an act entitled 'an act concerning partition and estates holden in common and in joint-tenancy.'"

An act to authorize the appointment of deputies by clerks of the supreme court and court of common pleas.

An act in amendment of several acts in relation to the pay of jurors.

An act in amendment of an act entitled "an act in relation to jurors."

An act in amendment of an act entitled "an act in amendment of the several acts in relation to the pay of jurors," passed at the present session.

An act in relation to the admissibility of witnesses.

An act in amendment of an act entitled "an act in relation to the admissibility of witnesses."

An act in relation to notice of the election of bank officers.

An act in addition to an act entitled "an act in relation to banks."

An act to regulate the powers of institutions for savings in this state.

An act in amendment of an act entitled "an act to limit the hours of labor, and to regulate the employment of children in factories."

An act in amendment of an act entitled "an act regulating the assessing and collecting of taxes."

An act in amendment of an act entitled "an act to provide additional revenue for the state."

An act giving additional powers to "the court of justices of the city of Newport."

An act in amendment of an act entitled "an act for the more effectual suppression of drinking-houses and tippling-shops."

An act in amendment of an act entitled "an act to revise and amend the several acts in relation to the election of civil officers."

An act to amend the several acts in relation to the election of civil officers.

An act in amendment of an act entitled "an act to prevent hawking and peddling without license."

An act in amendment of an act entitled "an act declaring towns bodies corporate, and prescribing the manner of recovering debts due from towns."

An act to enlarge the powers of school committees.

An act to increase the appropriation for the support of public schools.

An act in relation to railroad corporations.

An act in amendment of "an act to prevent excessive riding in any of the places therein mentioned."

An act to authorize the commissioners of shell-fisheries to lease oyster beds in Seekonk river.

An act in addition to an act entitled "an act in amendment of an act for the preservation of certain useful birds."

Acts passed May session, 1854.

An act in amendment of an act entitled "an act to revise and amend the several acts in relation to the election of civil officers."

An act for the appointment of printers to the state.
An act in amendment of an act entitled "an act to regulate the survey and admeasurement of lumber, brought by water or imported into this state."
An act to establish a state normal school.
An act in amendment of an act entitled "an act for the preservation of oysters and other shell-fish within this state."
An act to establish a court of magistrates in the city of Providence.
An act in addition to an act entitled "an act concerning crimes and punishments."

Acts passed June session, 1854.

An act in amendment of an act entitled "an act prescribing the forms of writs, and manner of serving them."
An act in addition to an act to revise and amend laws regulating public schools.
An act in relation to the appropriation for the indigent insane.
An act in amendment of an act entitled "an act providing for the relief, employment and removal of the poor."
An act in addition to an act entitled "an act in amendment of an act entitled an act prescribing the manner of proceedings in courts," passed at the January session, A. D. 1854.
An act in amendment of an act entitled "an act in amendment of an act entitled an act establishing and regulating fees."
An act in amendment of an act entitled "an act in amendment of an act for the preservation of oysters and other shell-fish within this state."
An act in addition to and in amendment of the act entitled "an act establishing courts of probate, and the acts in addition to and in amendment thereof."
An act in amendment of an act entitled "an act to regulate the powers of institutions for savings in this state."
An act further to protect personal liberty.
An act in amendment of an act entitled "an act further to protect personal liberty," passed at the January session, A. D. 1848.
An act enlarging the powers and duties of the court of justices in the city of Newport.
An act in addition to an act entitled "an act for the more effectual suppression of drinking-houses and tippling-shops," passed at the January session, A. D. 1853.

Acts passed October session, 1854.

An act in addition to an act entitled "an act in relation to the supreme court and the courts of common pleas," passed at the June session, 1852.
An act in amendment of and in addition to an act entitled "an act concerning slaughter houses," passed at the January session, A. D. 1853.
An act in amendment of the several acts heretofore passed for the preservation of oysters and other shell-fish within this state.
An act in addition to and amendment of an act entitled "an act to regulate the militia," and the acts in addition to and amendment thereof.
An act to provide for a registration of births, marriages and deaths.
An act repealing an act entitled "an act in amendment of an act entitled an act to regulate the militia."
An act in relation to foreign insurance companies.
An act increasing the salary of the general treasurer.
An act in amendment of an act entitled "an act in amendment of an act entitled an act in relation to the supreme court," passed at the May session, A. D. 1848.
An act in relation to the salary of the commissioner of public schools.

Acts passed January session, 1855.

An act in relation to the pardoning power.
An act in amendment of an act entitled "an act to prevent fraud in fire-wood and charcoal exposed for sale."
An act regulating the custody of insane paupers.
An act in relation to the indigent insane.
An act in addition to and in amendment of an act entitled "an act substituting net weight for gross weight, and for ascertaining the weight of certain articles."
An act in amendment of an act entitled "an act concerning dogs."
An act authorizing the commissioners of shell-fisheries to purchase a watch boat, to be located on Great Bed.
An act to regulate the powers of institutions for savings in this state.
An act in amendment of an act entitled "an act in relation to jurors."

An act in addition to an act entitled "an act concerning crimes and punishments."
An act in addition to an act entitled "an act in explanation and amendment of an act in relation to banks."
An act restricting the powers and duties of courts of record of the state.
An act to regulate the fishery on Point Judith ponds.
An act in relation to railroad corporations and the transportation of freight and passengers.
An act in amendment of "an act in relation to the discharge of fire-arms, and the firing and selling of fire-works."
An act in amendment of "an act in relation to the discharge of fire-arms, and the firing and selling of fire-works."
An act in amendment of "an act to establish the limits of the several jail yards."
An act to prevent seine fishing in Allen's harbor and Potowomut river.
An act in amendment of an act entitled "an act regulating the assessing and collecting of taxes."
An act in amendment of an act entitled "an act to regulate the organization of the general assembly."
An act in relation to reports and returns to the general assembly.
An act in amendment of "an act for the more effectual suppression of drinking-houses and tippling-shops," passed January, 1853, and of the act in amendment thereof, passed June, 1854.
An act in amendment of and in addition to an act entitled "an act concerning crimes and punishments."
An act in amendment of an act in relation to the board of prisoners in jail.
An act in addition to an act entitled "an act in relation to foreign insurance companies."
An act in relation to appeals to the general assembly on petitions for the benefit of an act entitled "an act for the relief of insolvent debtors."
An act in amendment of an act entitled "an act in relation to jurors."
An act to prevent seine fishing in the harbor of Wickford.
An act in amendment of an act entitled "an act to revise and amend the several acts in relation to the election of civil officers."
An act for the more effectual suppression of gambling houses and games of chance.
An act to regulate the assessing and collecting of taxes.
An act to repeal the act entitled "an act establishing a court of magistrates in the village of Woonsocket, in the town of Cumberland."
An act in addition to an act entitled "an act concerning crimes and punishments."

Acts passed May session, 1855.

An act to establish a court of magistrates in the village of Woonsocket.
An act in amendment of an act entitled "an act to regulate the assessing and collecting of taxes."
An act in amendment of an act entitled "an act to provide for a registration of births, marriages and deaths."
An act in amendment of an act entitled "an act to establish a court of magistrates in the city of Providence."
An act in amendment of an act entitled "an act for the more effectual suppression of drinking-houses and tippling-shops."
An act in amendment of an act entitled "an act in relation to gauging, and for the appointment of gaugers."
An act establishing the salaries of the governor and lieutenant-governor.
An act in relation to wrecks and shipwrecked goods cast upon Block Island.
An act in amendment of an act entitled "an act for the more effectual suppression of drinking-houses and tippling-shops."
An act for the appointment of a printer to the state.
An act in addition to the several acts in relation to hawking and peddling without license.

Acts passed January session, 1856.

An act in relation to the treasury of the state, and the duties of the officers thereof.
An act to regulate the militia.
An act in amendment of and in addition to an act entitled "an act for the more effectual suppression of drinking-houses and tippling-shops."
An act in relation to the returns of banks and institutions for savings.
An act in amendment of an act entitled "an act in relation to certain fisheries."
An act in amendment of an act entitled "an act concerning partition and estates holden in common and in joint-tenancy."

An act in addition to an act entitled "an act in amendment of an act entitled an act concerning partition and estates holden in common and joint-tenancy."

An act in addition to an act entitled "an act authorizing and regulating the taking of depositions."

An act in amendment of an act entitled "an act to regulate the fishery in Point Judith ponds."

An act in amendment of an act entitled "an act to prevent clandestine marriages."

An act for the prevention of counterfeiting.

An act in amendment of an act entitled "an act in relation to wills of real and personal estate."

An act in amendment of an act entitled "an act to regulate powers of institutions for savings."

An act in addition to an act entitled "an act in amendment of an act entitled an act in amendment of an act directing the times and places of holding the terms of the supreme court and the court of common pleas, contained in the digest of 1844."

An act in addition to an act entitled "an act in amendment of the several acts heretofore passed for the preservation of oysters and other shell-fish within the waters of this state."

An act in relation to gaming.

An act in addition to an act entitled "an act in relation to the supreme court."

An act in relation to the holding of the terms of the court of common pleas for the county of Providence.

An act in amendment of an act entitled "an act in relation to the duties of town officers."

An act in amendment of an act entitled "an act in relation to gauging and for the appointment of gaugers."

An act in amendment of an act entitled "an act concerning the property of married women."

An act in amendment of the act entitled "an act concerning crimes and punishments."

An act in amendment of an act entitled "an act in addition to an act entitled an act establishing courts of probate."

An act in amendment of an act entitled "an act in relation to foreign insurance companies."

A resolution making an annual appropriation for printing the registration report.

Acts passed May session, 1856.

An act explanatory of an act entitled "an act to regulate the assessing and collecting of taxes," passed at the January session, A. D. 1855.

An act in amendment of an act entitled "an act enlarging the powers and duties of the court of justices of the city of Newport."

An act in amendment of an act entitled "an act in amendment of an act in relation to the supreme court," passed at the October session, A. D. 1854.

An act in amendment of an act entitled "an act in relation to the holding of the court of common pleas for the county of Providence."

An act in amendment of an act entitled "an act in relation to foreign insurance companies."

An act in amendment of an act entitled "an act to regulate the militia."

An act in addition to an act entitled "an act in addition to an act concerning crimes and punishments."

An act in relation to bank commissioners.

An act concerning truant children and absentees from school.

An act in amendment of an act entitled "an act in relation to senators and representatives to represent this state in congress, and of electors of president and vice-president of the United States."

A resolution directing the secretary of state, and other officers, to employ the state printer to do all the printing for the state.

Acts passed January session, 1857.

An act establishing bank commissioners.

An act to regulate the liability of hotel keepers.

An act to provide for the safety of passengers on railroads.

An act for the suppression of certain common nuisances.

An act in addition to an act entitled "an act in relation to the supreme court."

An act in amendment of an act entitled "an act in relation to the supreme court."

An act in amendment of "an act relative to senators and representatives to represent this state in congress, and of electors for the election of president and vice-president of the United States."

An act in amendment of an act entitled "an act regulating ferries."

An act in amendment of an act entitled "an act for the relief of poor persons imprisoned for debt."

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An act to regulate the fishery in Charlestown and Green hill ponds.
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An act relating to the inspection of oils.
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An act to regulate the fishery in the salt ponds in the town of Westerly, and the Quanacontaug pond in Charlestown and Westerly.
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An act providing for the payment of board of prisoners confined in jail for debt.
An act authorizing the warden of the state prison to draw on the general treasurer for the expenses of the state prison, and the county jail.

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